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## **A Political Inquiry into Double Standards and the Puzzle of Common Humanity**

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## Introduction

Human rights are upheld by the righteousness of our common humanity. As such, our political actions require us to hold some conception of humanity. This is an explicit notion for human rights politics, as common humanity can aid and eliminate internalized behaviours of oppression and domination. Thus, approaching conflicts through the lens of common humanity can allow us to engage in transitional forms of justice and innovative methods of prevention. The significance of such approaches would be the successful coalitions of political action and critical representations of human functioning when it comes to the application of justice. In turn, by speaking to common humanity we can better understand how the emergence of human rights politics pushes us to explain the “double standards,” within political action and policy today. Simplistically, I believe that common humanity should work to establish that no person is more worthy than another. This is a moral and ethical debate that recognizes how subscriptions to the world society include acting with common humanity and having shared collisions with human rights and sanctions of justice.<sup>1</sup> Acting with common humanity can also be reflected by recognizing the need to exclude, warn and avert danger when we know harm is being conducted.<sup>2</sup> This insistence of “knowing,” harm and danger is taking place and then appealing to common humanity, depicts our ability to recognize when some people are not being held to the same standard as others. Such a notion allows us to deconstruct common humanity and recognize how it is riddled with double standards. In turn, we need to also acknowledge that political action requires concepts of humanity to be explicitly used for everyone.

Throughout this paper, I will analyze how substantial concepts of common humanity are required when we tackle political and humanitarian crises. Adequate conceptions of common humanity aid in the elimination of internalized oppression and domination, as it distinguishes more accurate views of ourselves and others. In turn, I use the notion of common humanity, as a way to recognize that without a critical perspective on effective and empathetic human

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<sup>1</sup> Mathias Risse, “On Global Justice,” *Princeton University Press*, (2012): 25.

<sup>2</sup> C.J. Miller, “Acting with Common Humanity.” *The Modern Law Review* 35, no. 4 (1972): 35.

functioning, there is a greater barrier towards development and liberation.<sup>3</sup> Yet, through this journey, I have also recognized that some people are seen to not be as worthy of such standards. Thus, by speaking to and stimulating the conception of common humanity, I hope to demonstrate the realities that are enforced on people. As such, by utilizing global justice and critical political theories, I hope to engage in a meaningful reflection on how evident double standards in our world have pushed global citizens from their obligations to act with common humanity.<sup>4</sup> All in all, actions of common humanity and our universal membership in the global order have become increasingly weaker. This depicts how despite everyone having to subscribe to the world, not everybody is counted as a worthy member. Thus, human rights fall under this conceptualized world “membership,” where common humanity continues to fail temporally when it comes to a person's worth.

Temporally, this analysis acknowledges the past, present and forward. As such, this paper will reference processes like transitional justice as it not only responds to massive human rights violations with judicial redress and political reform but also seeks to work temporally by considering conflicts in the past to build a more peaceful future.<sup>5</sup> However, it can be difficult to identify the linear processes of transition and justice. Thus, transitional justice should be seen as a fluid process that elicits questions about how governments, legal systems, civil society, and victims can engage with one another and work towards political change, expression, and justice. This is a complex set of interactions that all in all, take place across space and time.<sup>6</sup> Overall, the benefit of this temporal analysis is that there is a recognition of how the past and hindsight can create more mosaic forms of transition. This emphasizes the centrality of time when it comes to issues of justice. By complicating the way justice is studied, we can focus on

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<sup>3</sup> Judith W. Kay, “Politics Without Human Nature? Reconstructing a Common Humanity,” *Hypatia* 9 (1): 21.

<sup>4</sup> Mathias Risse, “On Global Justice,” *Princeton University Press*, (2012): 26.

<sup>5</sup> Noha Aboueldahab, “The Politics of Time, Transition, and Justice in Transitional Justice,” *International Criminal Law Review* 21, 5 (2021): 809.

<sup>6</sup> Aboueldahab, “The Politics of Time, Transition, and Justice in Transitional Justice,” 810.

addressing all parts of the past, rather than marginalizing major historical narratives that could inform and innovate justice in the present and future.<sup>7</sup>

There is an international political norm that depicts humanitarian aid to only be aligned with political processes when it comes to certain groups. This depicts how double standards are a norm that acts as a principle that is unfairly applied toward different people or groups. In turn, this is the result of the global society being unable to exercise common humanity in a manner that makes all persons worthy of the same political and legal privileges. Normative concerns have always informed studies of international politics as it evolves in a patterned “life cycle,” that influences different behaviours and ideation.<sup>8</sup> Respectively, this looks at how political discussions about the meaning of justice are depicted through reflections about humanity and the good.<sup>9</sup> This recognizes the temporal importance of analyzing justice, as common humanity fights to reconstruct our morally unethical normative behaviours. This is evident in the double standards that are depicted within our social communities and mechanisms. Nevertheless, norms research has suggested that many international notions do not lie within preexisting state interests, but are to be upheld by principled ideas of good and evil.<sup>10</sup> Thus, norms research allows us to understand better how the established baseline of our humanity can be compromised based on critical political behaviours and conceptions about one another. This relates to the analysis of common humanity as it recognizes our responsibilities to one another while depicting the normative double standards that have become a part of our political and legal processes.

International law scholars have recognized the inter-subjective nature of norms within our political and legal instruments to also be relevant within communities of “civilized nations.”<sup>11</sup>

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<sup>7</sup> Noha Aboueldahab, “The Politics of Time, Transition, and Justice in Transitional Justice,” *International Criminal Law Review* 21, 5 (2021): 810.

<sup>8</sup> Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, no. 4 (1998): 888.

<sup>9</sup> Finnemore and Sikkink, “International Norm Dynamics and Political Change,” 889.

<sup>10</sup> Kathryn Sikkink, “Transnational Politics, International Relations Theory, and Human Rights,” *PS: Political Science and Politics* 31, no. 3 (1998): 518.

<sup>11</sup> Sikkink, “Transnational Politics, International Relations Theory, and Human Rights,” 520.

The conception of “civilized nations,” has created divides and double standards when it comes to exercising common humanity in all cases of conflict. Common humanity is recognized through our shared responsibility and simultaneous understandings of equality, empathy and compassion.<sup>12</sup> As such, common humanity works along normative behaviours and requires the assistance of political and legal tools to assert and emphasize ethical foundations of justice. This framework argues that appealing to our common humanity would not only be a useful starting point for dealing with international human rights conflicts, but it is also a harmonious part of our legal and political forms of justice. As such, our society should look to not only protect us against suffering but to expel all forms of harm. This can be executed by recognizing the importance of all people who stand to be harmed by conflicts. For example, this is evident through our attempt to make humanity an entity that works against crimes, and by signifying it as an international criminal offence, otherwise known as “crimes against humanity.” The Nuremberg trials have laid this foundation as a means to understand where our universal responsibilities lie when it comes to safeguarding and evolving global institutions of protection.<sup>13</sup> As a generalization, common humanity recognizes that all humans are the same and that we are all entitled to the same basic needs and protection from suffering. Nevertheless, the perceptions of common humanity have proposed societal perspectives that should lead us to unbiased forms of universal compassion.<sup>14</sup> Yet, there seems to be a double standard when it comes to how our current legal, social and political systems act when it comes to certain conflicts. This is evident when we consider the actions and outrage for humanitarian conflicts in Ukraine versus conflicts in areas like Afghanistan and Myanmar. Therefore, common humanity also reflects our current interests and perspectives about society and its members. As such, we must deconstruct human rights politics to promote human dignity and generate new and

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<sup>12</sup> Andeas Papamichail and Hannah Partis-Jennings, “Why Common Humanity? Framing the Responsibility to Protect as a Common Response,” *International Politics* 53, no. 1 (01, 2016): 85.

<sup>13</sup> Papamichail and Partis-Jennings, “Why Common Humanity? Framing the Responsibility to Protect as a Common Response,” 87.

<sup>14</sup> Debbie Ling, Melissa Petrakis, and John Henry Olver, “The Use of Common Humanity Scenarios to Promote Compassion in Healthcare Workers,” *Australian Social Work* 74, (1) (2021): 110.

innovative models of political justice for everyone.<sup>15</sup> This would include fostering a deeper willingness to uphold common humanity through identifying the source of our double standards and acknowledging the harmful and blatant human rights violations being conducted.

In this paper, I will continue to define common humanity and its relation to human rights politics as a means to demonstrate what happens when we fail to recognize the significance of such conceptions. This analysis will target the double standards within refugee crises, despite easily being able to speak to any one of a range of human rights. Specifically, I will be reviewing the nature of the 2022 Russian invasion of Ukraine, in comparison to the continuous humanitarian crises in Afghanistan. This case study provides a relevant example of how the clash of “civilized nations,” has created a divide and double standard when it comes to exercising common humanity for those that are seen as less than. The recent Ukraine refugee crisis has been heavily criticized for the double standards it poses. This war has triggered swift condemnation, as the speed of positive international response has created further evidence for the lack of such reactions when it comes to others. Thus, this paper will recognize how critical political theories like “Orientalism,” and “Sub-Personhood,” are relevant when media pundits, journalists, political figures and legal instruments are being accused of double standards.

In addition, an inquiry on the shortcomings of democracy will also be covered, as the refugee crisis in Myanmar, continues to recognize how contemporary conflicts greatly relate to how coloniality and democracy incite racism and discrimination. Such processes have worked to incite a hierarchical ranking of humanity, which continues to represent and treat the lives, cultures, and knowledge of the colonized and exploited “Others” as disposable, and therefore as not deserving of support. Overall, these case examples will emphasize the need to rethink legal and political legitimacy when it comes to providing justice in all situations of harm and result in the real-world application of “us,” versus “them,” constructs.

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<sup>15</sup> Kathryn Sikkink, “Transnational Politics, International Relations Theory, and Human Rights,” *PS: Political Science and Politics* 31, no. 3 (1998): 520.

These conceptions will also take into consideration the subjection of human rights, and how perceptions of human rights may not be held equally for, and by all human beings. This is significant when looking at understanding common humanity through politics, as it reconstructs how human rights are used within global governance. While looking into transitional forms of justice, it is also crucial to look at how aspects of societal and state transitions can work towards rethinking the overall paradigm of justice. As such, the exploration of the role of “common humanity,” when studying justice and human rights, can lead us to a more globalized understanding of double standards. The notion of “common humanity,” teases out the transitional justice “toolkit,” and cosmopolitanism as it works to redress massive human rights violations and enforces accountability through moral, legal and political properties of “common humanity.”

The Responsibility to Protect (R2P) doctrines can also be used to impose accountability on the international community, while also working beyond being a political promise. My analysis also recognizes the moral and legal constraints of common humanity and seeks to apply it as a political tool of justice, rather than just a philosophy of morality. In turn, this highlights the relevance of common humanity in the transitional justice “toolkit,” as it imposes a form of obligation and responsibility when evil is occurring. This will consider transitional justice themes like human rights, and the democratic process when it comes to international abuse. This will argue that we must deconstruct the foundations of our common humanity to include more diverse forms of equality, empathy, sympathy and compassion. This will also implement accountability, as common humanity obligates people to recognize their influence on justice and human rights.

### **Common Humanity Through Transitional Justice**

Before understanding what common humanity is when looking at human rights, it is significant to recognize key parts of what common humanity can constitute. Empathy, sympathy and compassion are not all alike but can be argued to be an integral part of understanding

conflicts. These terms reflect the way we approach one another and are reflections of an ethical life formed by a subject's resonance with others in need of their care.<sup>16</sup> However, each concept contributes in its own way, by resembling a form of “lending,” oneself to another. Empathy is found in David Hume’s account of sympathy as he states, “No quality of human nature is more remarkable, both in itself and in its consequences than that propensity we have to sympathize with others, and to receive by communication their inclinations and sentiments, however different from, or even contrary to our own.”<sup>17</sup> In general, sympathy is a phenomenon of resonance and feelings for another. Alternatively, compassion is suggested to deal with the fully embodied response to and for the other. Nevertheless, the subject of these variations reflects how empathizing and embodying others' suffering illuminates the humanity that we all share in common and can influence equality.<sup>18</sup> As such, these terms also imply that subjects can be mindful of differences as not all life experiences are identical. Yet, we can identify an overall revelation of shared humanity that should incite an empathic presence as a human being.<sup>19</sup> Such notions are necessary for accountability, as acknowledgment is a necessary condition for broader healing and reconciliation.<sup>20</sup> Nevertheless, this can be known as “thin sympathy,” which is the basic understanding of what has happened in the past and involves sensitizing society to recognize how facts and patterns of history continue to shape the lived experiences of people today.<sup>21</sup> With the recognition of escalating repression and violence, we must be mindful of how “violating basic notions of justice [is] perhaps worse, rather than better, than no justice at all.”<sup>22</sup>

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<sup>16</sup> Peter J. Rosan, “The Varieties of Ethical Experience: A Phenomenology of Empathy, Sympathy, and Compassion,” *Phänomenologische Forschungen*, (2014): 157.

<sup>17</sup> Rosan, “The Varieties of Ethical Experience: A Phenomenology of Empathy, Sympathy, and Compassion,” 160.

<sup>18</sup> Rosan, “The Varieties of Ethical Experience: A Phenomenology of Empathy, Sympathy, and Compassion,” 166.

<sup>19</sup> *Ibid.*

<sup>20</sup> Joanna R. Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” University of Pennsylvania Press, (2021): 1.

<sup>21</sup> *Ibid.*

<sup>22</sup> Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” 31.

Perspective is a critical analysis of social functioning and care. People are interested in perspectives and actions that they care about or hold identification too.<sup>23</sup> As such, it is fruitful to think about how people react when humanitarian crises occur in “civilized nations,” versus “non-civilized,” areas. On the other hand, when looking at what makes people care about others after human rights violations occur, we should understand the notion of “us,” and “them.”<sup>24</sup> This concept categorizes people according to perceived differences and by identifying a group as inferior to another.<sup>25</sup> As such, empathy can be noted to make individuals much more open to becoming involved in the healing and or support processes of a community. In turn, a person should have the basic knowledge of a crisis. This simple awareness of knowing what has happened to another reflects a recognition of humanity and others' needs.<sup>26</sup> A deeper sympathetic response depicts an understanding of the implications of an event and can also be known as compassion. Nevertheless, our world today does not represent equal empathetic feelings and action for the experiences of all.<sup>27</sup> As such, I am looking to focus on why our perceptions and compassions differ when it comes to different human rights crises. This is evident in the international coverage of the Ukraine war, and the double standard emotions being displayed against other refugee crises.

Transitional justice refers to the processes and actions surrounding human rights violations during ongoing conflict or repression.<sup>28</sup> Transitional justice has emerged and connects to common humanity through the conception that society has goals of progression. As such, transitional justice holds philosophical theories of how to address issues of past wrongdoing.<sup>29</sup> Commemorating those who care and wish to “rescue” people from evil should be an integral

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<sup>23</sup> Debbie Ling, Melissa Petrakis, and John Henry Olver, “The Use of Common Humanity Scenarios to Promote Compassion in Healthcare Workers,” *Australian Social Work* 74, (1) (2021): 111.

<sup>24</sup> Joanna R. Quinn, “Diaspora Influence on the Thin Sympathetic Response in Transitional Justice,” *Ethnic and Racial Studies* 42, (11) (2019): 1832.

<sup>25</sup> Canadian Museum for Human Rights, “US vs. Them: The Process of Othering,” CMHR, accessed July 24, 2022, <https://humanrights.ca/story/us-vs-them-the-process-of-othering>.

<sup>26</sup> Quinn, “Diaspora Influence on the Thin Sympathetic Response in Transitional Justice,” 1835.

<sup>27</sup> Ibid.

<sup>28</sup> Colleen Murphy, “The Conceptual Foundations of Transitional Justice,” *Cambridge University Press*, (2017): 185.

<sup>29</sup> Murphy, “The Conceptual Foundations of Transitional Justice,” 186.

part of human rights response and care.<sup>30</sup> Thus, the “transitional justice toolkit,” includes measures such as prosecutions, truth commissions and reparation programs, yet would benefit from more inherent recognition of common humanity. Transitional justice works at “assisting societies devastated by conflict or emerging from repressive rule to re-establish the rule of law,” while also allowing us to ensure accountability, and promote the survival of humanity.<sup>31</sup> This also includes notions of sympathy as “rescuers,” contributing to the goals of post-conflict reconstruction.<sup>32</sup> Thus, those who “rescue,” work along with common humanity to promote practices of transitional justice. In this section, I will connect common humanity and its relation to human rights politics to the idea of political humanness. This will determine what happens when we fail to recognize the significance of common humanity and how it allows us to share in the “rescue for humanity.” As such, this will signify special features of transformation that will use common humanity as an argument for action, as double standards pollute our judicial systems.

To begin, scholars have recognized that there is an inter-subjective nature of norms in our communities of “civilized nations.”<sup>33</sup> This looks into the relations or intersections between people, as each community shares diverse social experiences. However, this complex structure does not take away from the fact that as humans, we have a responsibility to equally uphold one another's rights and worth. In turn, common humanity can be recognized through our shared responsibility and simultaneous understandings of equality, empathy, sympathy and compassion for one another.<sup>34</sup> Common humanity should be a normative practice that motivates political and legal tools to assert and emphasize ethical foundations of justice. This framework argues that appealing to our common humanity would not only be a useful starting point for dealing with

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<sup>30</sup> Ron Dudai, “‘Rescues for Humanity’: Rescuers, Mass Atrocities, and Transitional Justice,” *Human Rights Quarterly* 34 (1), (2012): 2.

<sup>31</sup> Joanna R. Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” *University of Pennsylvania Press*, (2021): 4.

<sup>32</sup> *Ibid.*

<sup>33</sup> Kathryn Sikkink, “Transnational Politics, International Relations Theory, and Human Rights,” *PS: Political Science and Politics* 31, no. 3 (1998): 520.

<sup>34</sup> Andeas Papamichail and Hannah Partis-Jennings, “Why Common Humanity? Framing the Responsibility to Protect as a Common Response,” *International Politics* 53, no. 1 (01, 2016): 85.

international human rights violations, but it is a crucial part of recognizing the double standards that impact our tools for justice. For example, humanity is an entity that works against mass atrocities and is signified through the idea that crimes, committed in certain circumstances, are so atrocious that they become more than just ordinary crimes.<sup>35</sup> The Nuremberg trials have laid this foundation as a means to understand where our universal responsibilities lie when it comes to safeguarding and evolving global institutions of protection.<sup>36</sup> Thus, crimes against humanity, war crimes and genocide work to "aggrieve not only victims and their own communities, but all human beings, regardless of their community."<sup>37</sup> In addition, it is noted that such crimes "cut deep, violating the core of humanity which we all share."<sup>38</sup> Based on this analysis, common humanity recognizes that we all have norms and qualities that influence responsibilities and obligations to one another. In turn, we are all entitled to the same basic needs and protection from such suffering. Overall, this depiction of the "laws of humanity," seems to be fruitless without a commitment to enforce them.<sup>39</sup> Insofar, common humanity represents how our current interests and perspectives can define our human rights politics, promote human dignity and enforce new and innovative models of prevention when sought out by the international community.<sup>40</sup>

Within transitional justice studies, there is a tension between individual and collective action and accountability. Mass atrocities such as genocide, war crimes, crimes against humanity, and widespread political violence rely on such systematic actions of collective entities and forms of accountability.<sup>41</sup> In turn, this requires some form of recognition of our common humanity and its power to transform conflict and insight a willingness for change. This is evident

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<sup>35</sup> Ron Dudai, "'Rescues for Humanity': Rescuers, Mass Atrocities, and Transitional Justice," *Human Rights Quarterly* 34 (1), (2012): 6.

<sup>36</sup> Andeas Papamichail and Hannah Partis-Jennings, "Why Common Humanity? Framing the Responsibility to Protect as a Common Response," *International Politics* 53, no. 1 (01, 2016): 87.

<sup>37</sup> David Luban, "A Theory of Crimes Against Humanity," *The Yale Journal of International Law* 29 (1) (2004): 86.

<sup>38</sup> Ibid.

<sup>39</sup> Luban, "A Theory of Crimes Against Humanity," 134.

<sup>40</sup> Kathryn Sikkink, "Transnational Politics, International Relations Theory, and Human Rights," *PS: Political Science and Politics* 31, no. 3 (1998): 520.

<sup>41</sup> Dudai, "'Rescues for Humanity': Rescuers, Mass Atrocities, and Transitional Justice," 3.

in how issues of mass atrocities have been analyzed by political scientists like Adam Jones to be insidious, but also “filled with testimonials to the brave souls who interceded to save total strangers.”<sup>42</sup> For example, a sixty-seven-year-old Hutu woman, named Therese Myirabayovul, was noted for her “tribute to courage” when she hid eighteen Tutsis in her house during the Rwandan genocide.<sup>43</sup> This is significant as it depicts how localized methods of common humanity can be influential on the international level. Nevertheless, this not only depicts moral selflessness but recognizes how acting with a shared humanity mindset, is a unique response that is commemorated in our legal and political frameworks.

As human rights are upheld by the righteousness of our common humanity, our political actions require us to hold some conception of humanity and actually act on it. Moreover, this analysis has recognized the importance of understanding “humanity,” as a quality of humanness that is an operative concept, and not just a placeholder for legal action. This is an explicit notion for human rights politics, as common humanity works to eliminate internalized behaviours of oppression and domination, by addressing the root cause of double standards. Nevertheless, norms research has suggested that many international notions are upheld by principled ideas of good and bad.<sup>44</sup> Thus, approaching conflicts through the lens of common humanity can allow us to engage in a manner that challenges the coalitions of political powers while also enforcing change. For example, the inspiration for this paper was based on the recognition of double standards that take place during refugee crises. As such, engaging in united common humanity has led many to recognize that the war on Ukraine, by a permanent member of the United Nations Security Council, has done more to expose the Western world's double standards than the decades of effort by humanitarian activists.<sup>45</sup> As such, a deeper betrayal is felt by international representatives through the recognition that the world can move beyond “lip

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<sup>42</sup> Ron Dudai, “‘Rescues for Humanity’: Rescuers, Mass Atrocities, and Transitional Justice,” *Human Rights Quarterly* 34 (1), (2012): 6.

<sup>43</sup> Dudai, “‘Rescues for Humanity’: Rescuers, Mass Atrocities, and Transitional Justice,” 5.

<sup>44</sup> Kathryn Sikkink, “Transnational Politics, International Relations Theory, and Human Rights,” *PS: Political Science and Politics* 31, no. 3 (1998): 518.

<sup>45</sup> Daoud Kuttub, “Palestine and Ukraine: Exposing the Double Standard,” *Palestine - Israel Journal of Politics, Economics, and Culture* 27, no. 1 (2022): 1.

service,” and toward action when the cause is deemed worthwhile.<sup>46</sup> In turn, this indicates the absence of political will towards simmering crises, in areas like Afghanistan, as evidence has depicted plenty of will for Ukraine.<sup>47</sup> Overall, common humanity recognizes our responsibilities to one another through our “humanness,” and reinforces that all forms of mass atrocities deserve widespread attention. Thus, crises such as in Afghanistan deserve equal attention by the Western world as they have faced issues of ongoing violent occupation. This can also be applied to Palestine, as Russia and Israel stand as the two United Nations (UN) member states who ignore the principles of the International Criminal Court (ICC). The ICC, has the mandate to investigate violations of international humanitarian law yet, Russia and Israel have resorted to methods of “might is right.”<sup>48</sup> In turn, Palestinians have been waiting for the Court to act, but have seen nothing more than bureaucratic moves.<sup>49</sup> Social media has also been known to block pro-Palestinian accounts with excuses of impunity, while the Ukrainian resistance has become the proponents of justice and rights advocacy. Nevertheless, a large-scale war and Russian attack against Ukraine is by no means justifiable. In turn, this issue deserves our compassion and active engagement with models of common humanity. Yet, there still needs to be an acknowledgement that the world is witnessing a stark difference in the ways occupation, violence, invasion and human rights are being handled.<sup>50</sup> Thus, along with key theoretical and practical explanations of common humanity and acknowledgement, there needs to be a more interpersonal journey that seeks to “come to terms,” with the way the world has and currently works.<sup>51</sup>

As we have recognized the significance of perspective to be that it is critical for social functioning and care, we can also argue that people's perspectives should already care about

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<sup>46</sup> Daoud Kuttab, "Palestine and Ukraine: Exposing the Double Standard," *Palestine - Israel Journal of Politics, Economics, and Culture* 27, no. 1 (2022): 1.

<sup>47</sup> Ibid.

<sup>48</sup> Kuttab, "Palestine and Ukraine: Exposing the Double Standard," 4.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Joanna R. Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” *University of Pennsylvania Press*, (2021): 4.

human rights because our common humanity should be powerful enough to allow us to identify with all situations of mass crime.<sup>52</sup> For example, common humanity also takes on elements of the International Criminal Tribunal for the former Yugoslavia (ICTY) by defining crimes against humanity as "crimes of a special nature to which a greater degree of moral turpitude attaches than to an ordinary crime."<sup>53</sup> As such, we have recognized that crimes against humanity themselves are politically sanctioned controls that impose the very idea of humanity, and the need to act. This implies that we must move beyond notions of "us," and "them," as our legal, moral and philosophical conceptions prove that any mass violation of humans is an issue for all humanity. In turn, empathy, sympathy and compassion can support individuals in becoming more willing to become involved in the healing processes of a community.<sup>54</sup> Hence, common humanity can be seen as the simple awareness of knowing what has happened to another. This also reflects progress when we recognize what others need or what they are missing.<sup>55</sup> Thus, initiatives of common humanity should be supported and extended to more diverse conflicts through the deconstruction of our political and legal mechanisms.

### **Common Humanity as More Than a Political Tool**

When looking into conceptions of common humanity I believe mechanisms such as the Responsibility to Protect (R2P), to be more than a political compromise. This allows R2P to be utilized as a tool that can impose a greater sense of responsibility to save all persons and humanity from evil. This is a re-politicized and moralistic account of R2P that works in congruence with common humanity and transitional justice, as it seeks to generate political interest for action in the face of harrowing mass atrocities.<sup>56</sup> R2P was designed to be an international commitment to prevent populations from being exposed to genocide, war crimes,

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<sup>52</sup> Debbie Ling, Melissa Petrakis, and John Henry Olver, "The Use of Common Humanity Scenarios to Promote Compassion in Healthcare Workers," *Australian Social Work* 74, (1) (2021): 111.

<sup>53</sup> Ron Dudai, "'Rescues for Humanity': Rescuers, Mass Atrocities, and Transitional Justice." *Human Rights Quarterly* 34 (1), (2012): 7.

<sup>54</sup> Joanna R. Quinn, "Diaspora Influence on the Thin Sympathetic Response in Transitional Justice," *Ethnic and Racial Studies* 42, (11) (2019): 1832.

<sup>55</sup> Quinn, "Diaspora Influence on the Thin Sympathetic Response in Transitional Justice," 1835.

<sup>56</sup> Christof Royer, "Framing and Reframing R2P—a Responsibility to Protect Humanity from Evil," *Critical Review of International Social and Political Philosophy* 23, no. 6 (2020): 659.

ethnic cleansing and crimes against humanity. Within the framework of R2P, Secretary-General Kofi Annan in the Millennium Report to the United Nations General Assembly, also introduced the idea that humanitarian intervention is the response to "gross and systematic violations of human rights that offend every precept of our common humanity." As such, the international community should harbour a shared standard that expresses a consensus of humanity when it comes to mass atrocities. This broad coverage of common humanity as a transitional justice tool also recognizes that R2P was formed for the protection of all people regardless of nationality or residency status. In turn, common humanity can be analyzed as a notion that surpasses the authority of legal hierarchies like state sovereignty. Thus, victims are entitled to common humanity by their states and by the rest of the international community through such frameworks.

Nevertheless, forceful intervention requires approval from the United Nations Security Council. Yet, common humanity can mobilize R2P through diplomatic, political and humanitarian measures such as theories of transitional justice and tools of common humanity.<sup>57</sup> In turn, I argue that R2P can be used along with common humanity to demonstrate the link between moral altruism and the political interests of powerful states. This conception is based on R2P being the "responsibility to save humanity from evil."<sup>58</sup> Scholars like Hannah Arendt, have analyzed that "recognized evils" are always crimes against humanity that apply to everyone through political ideation.<sup>59</sup> As such, Arendt has depicted acts of evil to be a threat to our common humanity and thus reframes R2P as a fruitful argument for transitional justice. This is the adoption of R2P, through notions of "responsibility to protect humanity from evil," being politically aware forms of common humanity.<sup>60</sup> This would include relevant theoretical

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<sup>57</sup> Sumangala Bhattacharya, "Elusive Justice: The Rohingya Chronic Crisis and the Responsibility to Protect," *Loyola of Los Angeles International & Comparative Law Review* 42, (2) (2019): 193.

<sup>58</sup> Christof Royer, "Framing and Reframing R2P—a Responsibility to Protect Humanity from Evil," *Critical Review of International Social and Political Philosophy* 23, no. 6 (2020): 660.

<sup>59</sup> *Ibid.*

<sup>60</sup> Royer, "Framing and Reframing R2P—a Responsibility to Protect Humanity from Evil," 666.

perspectives of R2P, to adopt a more cosmopolitan context.<sup>61</sup> I reference cosmopolitanism as at its core, it reflects my perception of common humanity through its call for all humans to consider themselves as belonging to a universal group that treats all people with equal worth and moral concern.<sup>62</sup> The R2P gap works with “thin,” and “thick,” works of common humanity which embraces cosmopolitan visions of the world, while also questioning the relevance of double standards from a moral perspective.<sup>63</sup>

Reframing R2P would examine the efforts made to translate this principle from words into deeds.<sup>64</sup> This would require renewed attention to the clarification of prevention, the improvement of institutional norms and measures that work to enhance the effectiveness of peace operations.<sup>65</sup> I believe such actions work along with the deconstruction of common humanity, as the protection of individuals addresses the broader “root causes,” of oppression and the plight of double standards that are evident in our society.<sup>66</sup> As such, I argue that the concept of R2P has moved away from the commonly presented pragmatic practice of managing human security, to a deeper normative shift known as “thin cosmopolitanism.”<sup>67</sup> Thin cosmopolitanism views humanity as a singular moral community which represents a world free from mass atrocities and a reduction in the gap of double standards in reality.<sup>68</sup> However, it accepts that human beings are the ultimate entity entitled to universal human rights and thus, rights are inherent simply by being a member of humanity.<sup>69</sup> As such, a state’s and a person’s values are measured by their ability to respect human rights and uphold them for everyone.

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<sup>61</sup> Tor Dahl-Rrikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” *The Fletcher Forum of World Affairs* 40, no. 2 (2016): 126.

<sup>62</sup> Nicholas Faulkner, “Motivating Cosmopolitan Helping: Thick Cosmopolitanism, Responsibility for Harm, and Collective Guilt,” *International Political Science Review / Revue Internationale de Science Politique* 38, no. 3 (2017): 316.

<sup>63</sup> Dahl-Erikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” 127.

<sup>64</sup> Alex J. Bellamy, “Realizing the Responsibility to Protect,” *International Studies Perspectives* 10, no. 2 (2009): 118.

<sup>65</sup> Bellamy, “Realizing the Responsibility to Protect,” 119.

<sup>66</sup> Julie MacArthur, “A Responsibility to Rethink? Challenging Paradigms in Human Security,” *International Journal* 63, no. 2 (2008): 423.

<sup>67</sup> Dahl-Erickson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” 123.

<sup>68</sup> *Ibid.*

<sup>69</sup> Dahl-Rrikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” 126.

Such concepts also prioritize inclusive debates across cultures and civilizations, through dialogue and consent being central pieces to thin cosmopolitanism and transitional justice. In turn, states who refuse to apply these standards to all should be condemned and made accountable for their lack of subscription to such world standards.

Despite thin cosmopolitanism reflecting a utopian theory, it still seeks to prescribe standards that serve the goal of political change.<sup>70</sup> As such, I use thin cosmopolitanism as a comparable concept to common humanity and seek to reframe comprehensive approaches like the last resort R2P, for more necessary applications of justice. Overall, membership in common humanity seems to depict a more thin type of bond as “thick,” cosmopolitanism insists that any attention to others must include all of humanity.<sup>71</sup> This may ensure that there is no room for special attention to any particular group or person, yet does not recognize the insistence that we also have obligations to one another.<sup>72</sup> Comparatively, thin cosmopolitanism accepts that one should treat all human beings as worthy of rights, and equality regardless of relationship, but recognizes that we are also restricted at times.<sup>73</sup> This is critical, as it understands the importance of our obligations to one another, through common humanity, but recognizes that bringing those who suffer close enough to generate action is a great challenge for R2P and overall efforts for justice. For example, this is reflective in how states hold veto power to block any Security Council proposition. As such, by deconstructing our mechanisms of justice and by inciting critical political theories and transitional justice, we can demand the scope of the world to broaden and adopt more external concepts of obligation. In turn, R2P in the international sphere should be to generate better protection of human rights and enable the international community to take action when necessary.<sup>74</sup> This makes R2P, more than a political promise, as it expands the scope of participants involved with international discussions of change and

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<sup>70</sup> Tor Dahl-Erikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” *The Fletcher Forum of World Affairs* 40, no. 2 (2016): 123.

<sup>71</sup> Dahl-Erikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” 130.

<sup>72</sup> Dahl-Erikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” 126.

<sup>73</sup> Dahl-Erikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” 130.

<sup>74</sup> Dahl-Erikson, “R2P and the ‘Thin Cosmopolitan’ Imagination,” 135.

rejuvenates cosmopolitanism against realities of double standards. To this extent, transitional justice and R2P already follow such notions by spreading discourse and aid through their combined political motive to incite change. Overall, along with common humanity, chronic crises should influence the international community to be more actively involved in the process of resolution and justice for everyone.<sup>75</sup> This is a critical idea that should be applied in the face of double standards, as we seek to break down divided humanity.

### **Political “Humanness”**

Human plurality is what makes “humanness,” possible, as Arendt writes that human plurality is the paradoxical plurality of being a unique and physical being. In this phenomenon, a person's uniqueness and their capacity to take up space allow them to acquire political status.<sup>76</sup> This implies an equal ontological dignity of each human that is unique and makes every person worthy of common humanity. Arendt emphasizes this by describing how as long as there is a plurality of human beings, it makes sense to consider common humanity. In turn, common humanity can be supported by plurality while also having relevance to the conditions of political life.<sup>77</sup> This emphasizes the existence of common humanity and recognizes that plurality makes it a condition for human change. Nonetheless, this makes “evil,” and crimes against humanity themselves, to be acts that stifle our common humanity and other ontological human conditions such as plurality.<sup>78</sup> Comprehensively, common humanity must be defended and upheld as a justice tool for everyone, as it values diversity, while also respecting the need to rely on one another. This is a significant argument, as it segregates common humanity from arguments of morality and emotions, and provides concrete political frameworks for its defence. This links issues of politics and morality with R2P, through their innate “responsibility to protect humanity

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<sup>75</sup> Sumangala Bhattacharya, “Elusive Justice: The Rohingya Chronic Crisis and the Responsibility to Protect,” *Loyola of Los Angeles International & Comparative Law Review* 42 (2) (2019): 193.

<sup>76</sup> Adriana Cavarero, “Human Condition of Plurality,” *Arendt Studies* 2, (2018): 40.

<sup>77</sup> Christof Royer, “Framing and Reframing R2P—a Responsibility to Protect Humanity from Evil,” *Critical Review of International Social and Political Philosophy* 23, no. 6 (2020): 667.

<sup>78</sup> Royer, “Framing and Reframing R2P—a Responsibility to Protect Humanity from Evil,” 670.

from all evil.”<sup>79</sup> Overall, moral notions of common humanity such as qualities of “empathy,” “sympathy and a sense of compassion or “togetherness, are still important but need a more concrete framing for its implication politically.”<sup>80</sup> As such, common humanity is also built in political rhetoric as ethical-political ideologies are supported by the conception that humanness comes from the unique freedom to engage in political action.<sup>81</sup> Thus, political institutions that “protect humanity from evil,” understand international crimes as “evils,” which goes against the basis of common humanity. Common humanity can be reinforced when our humanity is based on our ability to act against atrocities. This becomes even more significant when we recognize that not all persons are seen to be worthy of such human rights standards nor are they worthy of empathy. In turn, the classical “standard of civilization,” reiterates the double standards that are ingrained in our common humanity. For example, the “standard of civilization,” was a legal mechanism designed to set the benchmark for the ascent of non-European states to the ranks of the “civilized.”<sup>82</sup> This notion is replicated currently, in how protection afforded to “foreigners” is limited to citizens of “civilized” states, otherwise known as Europeans and Westerners.<sup>83</sup> Therefore as a political practice, we have noted that reframing notions of R2P can establish a more moral and political responsibility to protect our common humanity. Ultimately, this makes common humanity to be a vital part of the transitional justice toolkit, which also employs R2P as a mechanism for support. In turn, these political recognitions also reflect how double standards continue to depict the evident standard of civilization when it comes to international support.

Reframing R2P as such, not only protects our common humanity from evil but provides a defense for the response to evil, and allows mass atrocities to be negotiated. This incites R2P to not only be the moral effort of “saving strangers,” but it is also the intervention of self-interests,

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<sup>79</sup> Christof Royer, “Framing and Reframing R2P—a Responsibility to Protect Humanity from Evil,” *Critical Review of International Social and Political Philosophy* 23, no. 6 (2020): 671.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Brett Bowden, “In the Name of Progress and Peace: The “Standard of Civilization” and The Universalizing Project,” *Alternatives* 29, no. 1 (2004): 51.

<sup>83</sup> Bowden, “In the Name of Progress and Peace: The “Standard of Civilization” and The Universalizing Project,” 51.

as we seek to defend human plurality from evil.<sup>84</sup> Thus, the notions of common humanity can have a self-preserving political quality as they work within transitional justice toolkits. As such, this can be seen as a successful normative practice that provides incentives for powerful actors to act in the face of evil, while also working through their own purely altruistic motivations.<sup>85</sup> This demonstrates the triumph states can face when they intervene in all matters of common humanity, as their own national interests lie in the disposal of evil.<sup>86</sup> Sequentially, this is a complementarity-oriented response to atrocious crimes that also caters to the attainment of justice. Evidently, justice intervention can be guided by objectives such as accountability, and the prioritization of human rights advocacy.<sup>87</sup> This is perpetrator-centered and relates to R2P, as sovereignty is depoliticized when it comes to “serious harm,” and the state is “unwilling or unable to halt or avert it.”<sup>88</sup> Thus, the responsibility to protect those people lies in the international community.<sup>89</sup> In turn, this relates to common humanity and transitional justice as they are both built on notions of accountability, acknowledgement and the obligations we have to one another.

As a point of criticism, R2P and international political justice mechanisms are vulnerable as they can apply double standards, be selective, create new types of victimhood, and empower international authorities under the guise of human rights.<sup>90</sup> However, I argue that when we perceive R2P as a mechanism for common humanity, we can ultimately promote responsible uses of sovereign powers that will outlaw intolerable human conduct and promote justice. In turn, this framework is also simplistic enough that common humanity is successful when it

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<sup>84</sup> Christof Royer, “Framing and Reframing R2P—a Responsibility to Protect Humanity from Evil.” *Critical Review of International Social and Political Philosophy* 23, no. 6 (2020): 665.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Carsten Stahn, “Marital Stress or Grounds for Divorce? Re-Thinking the Relationship Between R2P and International Criminal Justice.” *Criminal Law Forum* 26 (1) (2015): 16.

<sup>88</sup> Zackary Karazsia, “An Unfulfilled Promise: The Genocide Convention and the Obligation of Prevention,” *Journal of Strategic Security* 11, no. 4 (2018): 24.

<sup>89</sup> Ibid.

<sup>90</sup> Stahn, “Marital Stress or Grounds for Divorce? Re-Thinking the Relationship Between R2P and International Criminal Justice,” 16.

provides the basic awareness of what has happened in a case of atrocity.<sup>91</sup> Nonetheless, R2P reinforces the relevance of common humanity through the legal and political accounts of crimes against humanity, while using moral and philosophical theory to eradicate such evils. Common humanity can use R2P as a peaceful measure to draw out transitional justice toolkits and make available thinner means of cosmopolitanism and justice. Nevertheless, I continue to recognize the severity of common humanity being unavailable to all people. This can not be ignored, as such painful contrasts expose the double standards that are present in the world. Specifically, the West and the EU harbour great differentiation when it comes to refugees. This can be traced back to notions of “us,” and “them,” which are relevant in critical political theories of “otherness.” Othering continues to build the gap within common humanity politics as it ignores the insistence that every life is valuable and worthy.<sup>92</sup> This distinction between “us,” and “them,” rhetorics will be reflected by the recognition of Europe's grim history of restrictive asylum policies. Below, I will lay out a comparative study on Ukraine and Afghanistan, as a means to recognize how concepts of “us,” and “them,” are highlighted as double standards in refugee standards. Overall, the solidarity being expressed to displaced Ukrainians only illustrates the deeply politicized and discriminative system of refugee protection. In turn, I argue that common humanity can broaden our political tools to be more than a political promise as a legitimate concern for one another can enhance human rights protection and eliminate double standards.

### **Critical Political Theories of Common Humanity and Double Standards**

In the context of politics, double standards can be seen as principles and social behaviours that are unfairly applied to different people or groups. As such, we see double standards being applied in our legal and political systems to those who are perceived as “others,” being treated differently. For example, the maintenance of double standards for citizens

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<sup>91</sup> Joanna R. Quinn, “Diaspora Influence on the Thin Sympathetic Response in Transitional Justice.” *Ethnic and Racial Studies* 42, (11) (2019): 1835.

<sup>92</sup> Mathias Risse, “On Global Justice,” *Princeton University Press*, (2012): 34.

and non-citizens is depicted when we think of the attacks of September 11th.<sup>93</sup> The polarization of Arabs and Muslims as an aftermath of these events has demonstrated how groups are treated differently. On a normative level, it can be argued that if citizens and non-citizens were treated identically, and without double standards, then the meaning of citizenship would be rendered insignificant.<sup>94</sup> However, such reasoning is inconsistent as basic rights such as political freedom, due process, and equal protection of the laws are at stake. In turn, these rights are not only privileges of citizenship but apply to all “persons,” subject to the law.<sup>95</sup> Thus, employing double standards when it comes to basic rights is counterproductive at home and abroad as it compromises the legitimacy of our legal systems and fuels resentment when common humanity is not applied to everyone.<sup>96</sup> Nevertheless, the double standards that are also applied to those who are perceived as a threat, uncivilized or dangerous do not make us more secure.<sup>97</sup> In turn, this skepticism and the imposed targetization create a far less cooperative relationship that also simultaneously stokes anti-Western and European sentiments.<sup>98</sup> Through critical political theories, like Orientalism, we can also recognize how the context of double standards in politics is not only harmful but unethical.

*Orientalism*, by Edward Said, is a critical political theory that looks at discursive practices that have allowed the West to structure harmful imagery about the East politically, socially and ideologically.<sup>99</sup> When discussing orientalism’s relation to political double standards, one can recognize how the conception of the “Other,” is created, and a universal social and individual identity divides actors into “us,” and “them.”<sup>100</sup> As such, our social lives shift identities and transform our “spaces,” so that two distinctive tribes are made. In essence, the civilized “us,”

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<sup>93</sup> David Cole, “Double Standards, Democracy, and Human Rights,” *Peace Review: A Journal of Social Justice* 18, no. 4 (2006): 429.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> Cole, “Double Standards, Democracy, and Human Rights,” 434.

<sup>98</sup> *Ibid.*

<sup>99</sup> Michal Buchowski, “Social Thought & Commentary: The Specter of Orientalism in Europe: From Exotic Other to Stigmatized Brother,” *Anthropological Quarterly* 79, no. 3 (2006): 463.

<sup>100</sup> Buchowski, “Social Thought & Commentary: The Specter of Orientalism in Europe” 464.

and the exotic or “uncivilized,” them or Other, is an old method of political discrimination and double standards. Thus, the notion of orientalism and the perception of the Other also relates to the clash of civilizations as the division of a civilized “us,” and a primitive “them,” dates back to the Enlightenment.<sup>101</sup> This is also attributed to the dominant culture of the positive West and the negative East.<sup>102</sup>

Double standards and a lack of common humanity also depict the various forms of expulsion and construction of otherness.<sup>103</sup> More specifically, when looking into the relationship between double standards and common humanity, we have identified how social perceptions and representations can instigate further issues for human rights. It is through these arguments that further considerations about what human rights really do are questioned. By employing double standards and a lack of common humanity we are disrespecting the basic rights awarded to all persons. In response to trading refugees or immigrants for the sake of security, this is a misleading argument as what our governments do for refugees or immigrants can create precedents for how they treat their own citizens.<sup>104</sup> As such, we must balance liberty and security in a way that respects equal dignity and the basic rights of all persons. This is the true test of justice and democratic society, as our political processes recognize how those with no voice are treated. Thus, we must not succumb to notions of Others, or the argument of security at the expense of a person's basic human rights. For example, it has been suggested that if the United States wishes to recover its status as the world's leader in human rights, it must renew its commitment to multilateral institutionalism and avoid double standards that undermine human rights legitimacy.<sup>105</sup> It is through this connection, we can use theories of otherness to describe how double standards are not new phenomena in political behaviour and depict how

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<sup>101</sup> Michal Buchowski, “Social Thought & Commentary: The Specter of Orientalism in Europe: From Exotic Other to Stigmatized Brother,” *Anthropological Quarterly* 79, no. 3 (2006): 470.

<sup>102</sup> Ibid.

<sup>103</sup> Buchowski, “Social Thought & Commentary: The Specter of Orientalism in Europe” 473.

<sup>104</sup> David Cole, “Double Standards, Democracy, and Human Rights,” *Peace Review: A Journal of Social Justice* 18, no. 4 (2006): 430.

<sup>105</sup> Scott Turner, “The Dilemma of Double Standards in U.S. Human Rights Policy,” *Peace & Change* 28, no. 4 (2003): 524

our common humanity has been limited based on “us,” versus “them,” mentalities. All in all, this makes this analysis justified when recognizing how there are real double standards in our common humanity when it comes to dealing with political issues such as violent occupation and refugees. In turn, we can argue that when over a million Syrian, Iraqi and Afghan refugees arrived at Europe’s borders in 2015 they faced a relatively high depiction of support. However, the EU was never able to agree on how to share the responsibility of such refugees as there was pushback from Central and Eastern European states.<sup>106</sup> Overall, this demonstrates how there is no way to avoid the question of deeply embedded racism within migration politics. Thus, we can also explore the increase in xenophobia, racism and discrimination. In turn, these are all concerns for common humanity that need to be recognized as they all speak to how our democratic society interacts and treats one another.

### **The Reality of Double Standards**

The devastating Russian invasion of Ukraine has triggered swift condemnation by several countries such as the United States, which has placed immediate sanctions targeting Russian banks and military exports. In addition, mainstream media and political commentators have framed this conflict as an earth-shattering violation of international human rights norms and regulations in the modern era. Reports have described this invasion as a unique form of moral atrocity. Nevertheless, this event has curated a more truthful account of the world and the ignorance that holds precedent in our international community. This truth is depicted by the double standards that are evident in how one group of people is being noted to be more worthy of support than others. These orientalist double standards can be shown by how political leaders have “explained,” that Ukrainian refugees are “different,” as “they’re civilized.” When thinking about double standards, it should also be acknowledged that double standards work as

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<sup>106</sup> Renata Brito, “Europe Welcomes Ukrainian Refugees - Others, Less So,” *AP NEWS. Associated Press*, February 28, 2022, <https://apnews.com/article/russia-ukraine-war-refugees-diversity-230b0cc790820b9bf8883f918fc8e313>.

a “paradox,” where relative differences in the application of human rights are evident in the way our legal and political mechanisms work. This can be seen through racist rhetorics such as through the Trumpian efforts to block Muslim asylum seekers and refugees from entering the US, while allowing, and calling for more Europeans to immigrate to the US.<sup>107</sup> Under this example, it can be argued that some features of rights are available to those who are accepted to be more worthy. As such, discussions surrounding Western travel bans and terrorism is an example of how refugees face compromises and double standards.<sup>108</sup> This example is significant, as it introduces the main focus of this paper, which is analyzing the double standards that impact our common humanity, specifically regarding refugees. Nonetheless, this reinforces the argument that currently some people are deemed more worthy of common humanity than others, and not only is there a recognized problematic way of weighting a refugee's worth but there are clear double standards in how our political and legal processes actually function. Thus, there is a need to deconstruct how our human rights function, and reconstruct them with the mindfulness of common humanity.

### **Double Standards in International Justice**

When pointing out the problematic reality of double standards, it is critical to the narrative to recognize how the legitimacy of our international political and legal instruments relies on there being no place for double standards within international justice. Amnesty International has warned the International Criminal Court (ICC), that its legitimacy risks being eroded due to the increasingly selective approach towards justice.<sup>109</sup> The ICC first opened its doors, following the historic decision to create a permanent international criminal court that holds jurisdiction over

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<sup>107</sup> James J. Zogby, “It’s Not Just a Muslim Ban, It’s Much Worse,” *The Washington Report on Middle East Affairs* 36 (2) (2017): 11.

<sup>108</sup> Slavoj Zizek, “Against the Double Blackmail,” *Third Text* 13, no. 47 (1999): 225.

<sup>109</sup> Amnesty International. “The ICC at 20: Double Standards Have No Place in International Justice.” *Amnesty International*, July 6, 2022. <https://www.amnesty.org/en/latest/news/2022/07/the-icc-at-20-double-standards-have-no-place-in-international-justice/>.

the most serious international crimes.<sup>110</sup> This instrument is executed on behalf of victims and survivors who have been denied justice. Nonetheless, the ICC provides a glimmer of hope that perpetrators will be held accountable. Yet, Amnesty has highlighted these processes to also be corrupted by “demonstrated acts of double standards,” that work with the willingness to be influenced by powerful actors.<sup>111</sup> This is evident in the decision to deprioritize an investigation into war crimes in Afghanistan by the US and Afghan national forces, as Prosecutor Karim Khan, cited viability and budget constraints to be the leading cause. Nonetheless, this was decided six months before the Prosecutor launched his office’s largest ever investigation in Ukraine.<sup>112</sup> In such circumstances, Khan sought “voluntary,” financial assistance from member states. This has depicted a clear demonstration of double standards that is carried out by an actor’s willingness to intervene. This example has led Agnès Callamard, Amnesty International’s Secretary General, to recognize that “The ICC’s budgetary excuses for inaction on Afghanistan, Nigeria and others can no longer be maintained.” Such actions have pointed out that members who serve on any Human Rights Council should be able to demonstrate their commitment to human rights and are expected to “uphold the highest standards in the promotion and protection of human rights.”<sup>113</sup> As such, Amnesty representatives have noted that even UN General Assembly members are guilty of committing gross human rights violations, and do not cooperate with UN human rights experts.<sup>114</sup> In turn, this information points towards flawed international systems that need to be deconstructed and reconstructed.

As there continues to be mass violence, displacement, genocide and complex humanitarian emergencies there is also a need to create major social change for the protection of everyone’s human rights. Transitional justice depicts a set of policies and actions that are

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<sup>110</sup> Amnesty International. “The ICC at 20: Double Standards Have No Place in International Justice.” *Amnesty International*, July 6, 2022. <https://www.amnesty.org/en/latest/news/2022/07/the-icc-at-20-double-standards-have-no-place-in-international-justice/>.

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> Amnesty International, “UN Human Rights Council elections: no room for double standards,” *Amnesty International*, November 12, 2012, <https://www.amnesty.org/en/documents/pre01/559/2012/en/>.

<sup>114</sup> *Ibid.*

designed to address the effects of horrendous crimes on traumatized communities and bring about justice. Empirical evidence has advocated that transitional justice work can alleviate the effects of trauma, deter future violence and introduce social reconstruction.<sup>115</sup> This process uses a range of approaches and tools that allows societies to move from repressive rules and systematic human rights abuse to peace, democracy and the rule of law. This works for individual and collective rights and prevents future human rights abuses.<sup>116</sup> As such, international mechanisms such as criminal prosecutions, truth commissions, reparations programs and memorialization must hold perpetrators accountable when it comes to all forms of repression and human rights abuses against individuals and communities.<sup>117</sup>

*Case Study: Ukraine vs. Afghanistan*

As we continue to inquire about the ambiguity of common humanity in politics, we have also recognized the tools that should be available to support issues of common humanity. In turn, we have reviewed the notions of common humanity and its connection to double standards through the lens of transitional justice, R2P, cosmopolitanism and critical political theories. By applying these notions, I have attempted to impart that by applying such frameworks we can rectify deeper wounds of injustice and ignorance. This is a significant part of applying common humanity, as the temporal scope of events dictates the narrative of why human rights atrocities may be occurring. Nevertheless, this also recognizes how there are clear double standards in society that have been constructed based on past treatments and precedents. As such, our scope of common humanity and double standards also recognizes how historically, certain groups of people are noted to be more worthy of support than others. As the humanitarian crisis in Ukraine continues to unfold, it becomes difficult to ignore the distinct response Ukrainians have received from the international community, versus other major international refugee crises.

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<sup>115</sup> Phuong Ngoc Pham, Patrick Vinck and Harvey M. Weinstein, "Human rights, transitional justice, public health and social reconstruction," *Social Science & Medicine* 70, no. 1 (2010): 98.

<sup>116</sup> Pham, Vinck and Weinstein, "Human rights, transitional justice, public health and social reconstruction," 99.

<sup>117</sup> Ibid.

In this case analysis, I will be analyzing how while sympathizing with the plight of the Ukrainians, other crisis-ridden civilians like Afghans, have questioned the double standards of the international response.<sup>118</sup> This is a relative point of inquiry, as Afghanistan and Ukraine have both faced invasions by the Russian governments. Through this section, I will provide a historical overview of the Afghanistan refugee crisis in relation to the Soviet Union. I will then compare these events to the current Ukraine conflict, and analyze how common humanity and double standards differ in each case. All in all, this will continue to inquire into the relevance of human rights and international support when it is not applied equally to everyone.

Since Russia launched an invasion of Ukraine in February 2022, the international community has come forth to debate how the images of civilians fleeing their homes and seeking refuge could be possible. However, members of the Middle East and Asia are not strangers to violent displacement due to war. In turn, these events reinforce the painful memories based in Afghanistan, when the Soviets invaded their land in December 1979. This depicts how the Ukraine war parallels the Afghanistan refugee crisis, not only as a humanitarian issue but as a historical cognate. Nonetheless, Afghans sympathize with Ukrainians as they recognize Russia as a violent and invasive foreign power. Yet, the massive plight of support and international solidarity given to the Ukrainians has never been extended to Afghans or other non-European victims.<sup>119</sup> This point of contention is significant as it recognizes how the commitment of Western nations to shelter displaced victims is constrained when it comes to refugees fleeing violence in non-European states.<sup>120</sup> Nevertheless, it is indisputable that Ukraine requires support and care from our international community. However, if this is truly about supporting humanity, then society must accept that we should treat all of those trying to escape violence, equally. This is because upholding one another's human rights is a part of our

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<sup>118</sup> Biran Osgood, "Flashback: Ukraine War Revives Painful Memories for Afghans." *Refugees News | Al Jazeera*, March 17, 2022.

<https://www.aljazeera.com/news/2022/3/17/ukraine-war-revives-painful-memories-for-afghans>

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

membership in the world order.<sup>121</sup> As such, these thinner notions of membership ensure that everybody is counted as a member and that common humanity as a ground of justice has its due.<sup>122</sup>

Afghanistan has had a long-standing history of violent occupation and dominance by foreign entities and conquerors. For this paper, we will be analyzing how despite Afghanistan already having a Soviet-backed community regime, the USSR invasion in 1977 triggered the start of 2.8 million Afghans fleeing from the war to Pakistan, and 1.5 million seeking refuge in Iran. This dispute was instigated by the guerrilla movement known as the “Mujahadeen,” as they battled the Soviet-backed government, and fought against those who opposed their goal of an Islamic governed nation. These provisions depict the seeming incompatibility between the Soviet and non-Soviet views of what “intervention,” means for Afghanistan. The 1978 Soviet-Afghan treaty of friendship and cooperation, sought to implement assurances that there would be an end to all forms of intervention, through agreements between the Government of Afghanistan and their neighbours.<sup>123</sup> As such, Pakistan has insisted on four principles as a means to accept the Soviet-backed Afghan government. These principles included the withdrawal of all foreign troops from Afghanistan, respect for sovereignty, the right of the Afghan people to decide their own fate, and the return of conditions that would permit more than 3 million Afghan refugees to return to their homes.<sup>124</sup> Overall, the vast effort of this movement was to alter the Soviet system and make it more democratic and humane.<sup>125</sup> However, the invading troops met fierce resistance as international allies, like the United States, rushed to aid the underdogs. This battle became a bloody war that threatened the stability of Moscow’s entrenched regime. Nevertheless, in 1984 Afghanistan was also investigated by the United Nations which reported the extreme human rights violations taking place. In turn, this also

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<sup>121</sup> Mathias Risse, “On Global Justice,” *Princeton University Press*, (2012): 25.

<sup>122</sup> Mathias Risse, “On Global Justice,” *Princeton University Press*, (2012): 26.

<sup>123</sup> Alvin Z. Rubinstein, “The Soviet Union and Afghanistan,” *Current History* 82, no. 486 (1983): 321.

<sup>124</sup> *Ibid.*

<sup>125</sup> Rubinstein, “The Soviet Union and Afghanistan,” 337.

begins the rise of the Islamic militia, the Taliban, which rose to power on the promises of peace.<sup>126</sup> Nevertheless, after years of drought, war and famine, Afghans were and continue to be, exhausted from their constant struggles and accept the Taliban as an upholding government. Yet, drought and continued violence force Afghans to continue to flee to neighbouring states, where they suffer in neglected refugee camps. As a neighbouring state, Pakistan hopes for a settlement that would rid them of the refugees as they take up their scarce resources and aggravate the social and ethnic tensions of the state. As such, governments that take in Afghan refugees fear the world community is losing interest in them, as the division of their upkeep is unfairly distributed in states like Pakistan and Iran.<sup>127</sup>

The Afghan crisis has demonstrated the dualism of Soviet foreign policy, and how it can be compared to the Russian invasion today.<sup>128</sup> Soviet officials have used military means to destroy rebels and resistance, while also using political means to build compliant and functioning communist leaderships. In turn, Russia has now launched an invasion of Ukraine that reflects the Soviet Union's ill-fated mission in Afghanistan. This self-inflicted quagmire has been compared with the Afghan war of 1979 as President Vladimir Putin, has sought to restore the glory of the Soviet Union.<sup>129</sup> When comparing these two cases, it is also important to recognize that Ukraine's government was a democratically elected system, while Afghanistan had Soviet-backed communist ties before their invasion. However, the international response compared to the experiences of refugees fleeing violence in non-European states, like Afghanistan, Syria and Yemen, depict the double standards of comparing the conflict in Ukraine to those of the less "civilized," areas. As such, non-European refugee conflicts are largely abandoned or rejected. Such experiences have made some Afghans offer a warning about the robust support for Ukraine. That being, "sympathy of the international community can turn on a

<sup>126</sup> Desk News, "A Historical Timeline of Afghanistan," *PBS. Public Broadcasting Service*, May 4, 2011, <https://www.pbs.org/newshour/politics/asia-jan-june11-timeline-afghanistan>

<sup>127</sup> Alvin Z. Rubinstein, "The Soviet Union and Afghanistan," *Current History* 82, no. 486 (1983): 321.

<sup>128</sup> *Ibid.*

<sup>129</sup> Griff Witte, "In Putin's Ukraine Quagmire, Echoes of Soviet Failure in Afghanistan," *The Washington Post*, April 2, 2022, <https://www.washingtonpost.com/world/2022/04/02/ukraine-afghanistan-russia-parallels-quagmire/>.

dime.” For example, Arash Azizzada, a co-founder of the progressive diaspora group *Afghans For A Better Tomorrow*, has stated “I also see parallels to the Afghan experience. There’s this outpouring of solidarity, and western powers likewise made a lot of lofty promises to us. But over the last few decades, the experience has been one of abandonment. They washed their hands of us once it became convenient.” These words have been triggered by the escalation of the Afghan humanitarian crisis, as the collapse of the US-backed government and take-over by the Taliban in August 2021, have left Afghans largely abandoned. This also emphasizes how our common humanity is currently based on what we collectively deem worthy of interest or care.

Through this comparative case study, I have pointed to the parallels between the Afghanistan crisis and the Ukraine war. However, this analysis also looks at how while sympathizing with the Ukrainians, we must recognize the privileges that have been awarded to them during times of crisis. Such support and reflections of common humanity by the international community are depicted to be a privilege in this case. The EU, activating the Temporary Protection Directive, has taken a significant step toward fairer responsibility-sharing for humanity's protection. This has seen fleeing Ukrainians being able to access harmonized rights across the EU for up to three years. In addition, this includes residence, education, housing, and access to the labour market and medical assistance.<sup>130</sup> Nonetheless, this crisis has been unusual based on the lack of negative media-fueled narratives of refugees being “invaders,” of the West and Europe. In turn, Afghan, Rohingya and Syrian refugees are punished with border violence, detention and lengthy asylum procedures. In addition, the EU has used agreements with states like Turkey and Libya to prevent such arrivals and outsource their asylum responsibilities.<sup>131</sup> Overall, this reinforces the fortress of European legacies as they continue to undercut their humanitarian responses towards people of colour and those of the African and Muslim world. The EU has been condemned by the United Nations and African

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<sup>130</sup> Emily Venturi and Anna Iasmi Vallianatou, “Ukraine Exposes Europe’s Double Standards for Refugees.” *Chatham House: The Royal Institute of International Affairs*, March 30, 2022, <https://www.chathamhouse.org/2022/03/ukraine-exposes-europes-double-standards-refugees>.

<sup>131</sup> Ibid.

Union, as the media supports the recognition of racist and discriminatory comments being made by EU leaders. As such, this has also exposed the deep-rooted and racist policies against non-Europeans. Asylum researchers have recognized that while European states welcome Ukrainian refugees, non-European ethnicities are not given safe routes toward asylum. Political leaders have also been criticized for their statements as the differences in treatment given to refugees from the Middle East and Africa have been disturbing to them, and hurtful. For example, Bulgarian Prime Minister Kiril Petkov stated, “These are not the refugees we are used to... these people are Europeans,” “These people are intelligent, they are educated, people... This is not the refugee wave we have been used to, people we were not sure about their identity, people with unclear pasts, who could have been even terrorists...”<sup>132</sup> All in all, this recognition can be connected back to critical political theories of Otherness and representations of sub-personhood, which emphasizes that double standards are neither a new issue nor is it going away. As such, we must hope that the future conditions of common humanity can be influenced by the abolition of inequality between nations and the progression of equality within the international community.<sup>133</sup> These contentions are based on the recognition that refugees from the Arab and African world are not “people like us, and thus do not matter.”<sup>134</sup> This clash of civilizations is analytically meaningless as Westerners have idealized their view of society, which has made them believe they are separate from the global world and superior. Nevertheless, this depicts how there are evident double standards in how we treat those who are not “people like us.” Thus, I would argue that there is a duty to all refugees that is inherently an ethical priority that emphasizes the reflection of our common humanity.

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<sup>132</sup> Renata Brito, “Europe Welcomes Ukrainian Refugees - Others, Less So,” *AP NEWS. Associated Press*, February 28, 2022.

<https://apnews.com/article/russia-ukraine-war-refugees-diversity-230b0cc790820b9bf8883f918fc8e313>.

<sup>133</sup> Brett Bowden, “In the Name of Progress and Peace: The “Standard of Civilization” and The Universalizing Project,” *Alternatives* 29, no. 1 (2004): 47.

<sup>134</sup> Slavoj Zizek, “Against the Double Blackmail,” *Third Text* 13, no. 47 (1999): 226.

### Critique of Democracy

International societies exist when a group of states are conscious of certain common interests and values which form a society that is bound by such rules.<sup>135</sup> This would include the notion of common humanity and how tenets of equality for all persons are made to be fair and equal before the law. These values and norms are known to have roots in the European Enlightenment as human rights, democracy and efficacy of knowledge are embraced by, or made to be aspirations by the majority of humanity.<sup>136</sup> As such, this recognition of a common relationship reinstates that humanity is also a common relationship that works based on the systematic instruments that are in place. The most plausible example of such a relationship would be the creation of international order in which peaceful democratic societies can flourish among everyone.<sup>137</sup> However, despite democratic syllogism seeking to remedy the “primitive” conditions of bringing about peaceful world order, democracy is not strictly necessary for development.<sup>138</sup> Consequently, our political and legal systems work with the premise that democracy is the best form of government as it promotes economic development and is the best at maintaining stable economic and humanitarian growth. These practices work through the syllogism of the “Washington consensus,” which seeks to open states and promote their growth through complete integration when it comes to international trade and investments.<sup>139</sup> This leaves liberal democracy to be the only realistic alternative for any society hoping to be a part of the modern international community. Yet, providing civil and political rights, and enforcing accountability and transparency, can channel economic growth and national development in its own right.<sup>140</sup> Thus, deconstructing democracy redistributes necessary economic and social

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<sup>135</sup> Brett Bowden, "In the Name of Progress and Peace: The “Standard of Civilization” and The Universalizing Project," *Alternatives* 29, no. 1 (2004): 44.

<sup>136</sup> Ibid.

<sup>137</sup> Mathias Risse, “On Global Justice,” *Princeton University Press*, (2012): 33.

<sup>138</sup> Jack Donnelly, “Human Rights, Democracy, and Development,” *Human Rights Quarterly* 21, no. 3 (1999): 610.

<sup>139</sup> Bowden, "In the Name of Progress and Peace: The “Standard of Civilization” and The Universalizing Project," 44.

<sup>140</sup> Donnelly, “Human Rights, Democracy, and Development,” 610.

rights that seek to assure that prosperity is dispersed throughout society, rather than only on the concentrated elite or, “worthy.”<sup>141</sup>

Nevertheless, democracy can be seen basically as an old idea given new life through new perspectives and methods for human progress. However, the use of transitional justice measures for human rights has recognized how “human rights trials, truth commissions, and amnesty agreements are often implemented ‘during armed conflict for motivations which differ from those ascribed to transitional justice.’”<sup>142</sup> This includes the advancement of the rule of law, reconciliation, and democracy. As such, governments are known to employ these institutions without regard for normative “goods,” as the decision to implement transitional justice during conflicts works to allow governments to address rebel issues and grievances.<sup>143</sup> Thus, suspicion and a lack of trust do not allow for the development of democratic values, nor does it promise a rights-protective society.<sup>144</sup> In addition, the psychological impact of years of war and terror weakens the basis for mutual recognition, trust and empathy. Thus, the fundamental components of a democratic society lack the basis of double standards and incite further tension for the future conditions of humanity. Overall, democracy should work towards the abolition of inequality between nations, the progress of equality within each nation, and the true perfection of common humanity.<sup>145</sup>

Fundamentally, when looking into issues of justice we should recognize that the temporal bases of “past” or “post,” are critical to understanding horrific crises. As such, this analysis recognizes how theories such as the “coloniality of power,” depict how the past is deeply interwoven with the status of the present.<sup>146</sup> Thus, contemporary conflicts greatly relate to the

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<sup>141</sup> Jack Donnelly, “Human Rights, Democracy, and Development,” *Human Rights Quarterly* 21, no. 3 (1999): 610.

<sup>142</sup> Joanna R. Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” *University of Pennsylvania Press*, (2021): 29.

<sup>143</sup> Ibid.

<sup>144</sup> Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” 32.

<sup>145</sup> Brett Bowden, “In the Name of Progress and Peace: The “Standard of Civilization” and The Universalizing Project,” *Alternatives* 29, no. 1 (2004): 47.

<sup>146</sup> Eglá Salazar Martínez, “Global Coloniality of Power in Guatemala : Racism, Genocide, Citizenship.” Lanham, MD: *Lexington Books*, (2012): 14.

colonial and democratic disputes, that continue to incite racism and discrimination. This process has comparatively created a hierarchical ranking of humanity, which has represented and treated the lives, cultures, and knowledge of the colonized and exploited “Others” as disposable, and therefore as not deserving of life. These double standards can be traced back to coloniality, as it continues to be the most general form of domination in the world today.<sup>147</sup> This is determined based on its exhaustive nature which depicts how once colonialism as an explicit political order was destroyed, the structures and practices derived from colonial governance continue to influence social institutions and relations in the present.<sup>148</sup> The significance of coloniality and modernity is that they base their investigations on colonial conceptions that were originally derived from an era that many now believe to be in the past. Thus, our current democratic processes require analysis as their ethical bases mirror these historical systems. As coloniality has investigated issues of identity and feelings of Otherness, we can recognize how without ethical government practices and support for everyone, democratic integrity is not only being disrespected but is being seen as coloniality. Through coloniality, we can also critique democracy as it is assumed to be interlinked with human rights. Overall, our political and legal systems need to be ethical as it provides accountability between the public and administration. I believe this supports better governance as the arguments for common humanity are applied “thickly.”

When demonstrating “thick,” applications of common humanity, I will refer back to the idea of cosmopolitanism as it demands that we must help people who are suffering, even when those people are different from us nationally, racially, religiously and so forth.<sup>149</sup> However, we can consider that when individuals and governments are motivated to act as such, their efforts to address harm constructively for everyone are lackluster. In turn, recent theories of “thick

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<sup>147</sup> Aníbal Quijano, “Coloniality and Modernity/Rationality,” *Cultural Studies* (London, England) 21 (2-3) (2007): 170.

<sup>148</sup> Ibid.

<sup>149</sup> Nicholas Faulkner, “Motivating Cosmopolitan Helping: Thick Cosmopolitanism, Responsibility for Harm, and Collective Guilt,” *International Political Science Review / Revue Internationale de Science Politique* 38, no. 3 (2017): 317.

cosmopolitanism” argue that by acknowledging that individuals and political instruments cause extreme harm to those who are marginalized, there is an increase in our desire to help rectify such harm.<sup>150</sup> Scholars have referenced how collective guilt and notions of sympathy can be partially used to motivate a form of support and care, yet no empirical studies have directly tested such notions.<sup>151</sup> Nevertheless, I argue that it can be justified to assume that when individuals are reminded of their participation in harming others, we tend to express a greater acceptance of such responsibilities and are more willing to engage in more humanized behaviours. This argument is defended by theories like thick cosmopolitanism as it argues that humanitarian behaviours are more likely to develop when actors believe and acknowledge that they are causally responsible for harming others.<sup>152</sup> Overall, this is a powerful motivator that helps to offer a thicker account of the ties that bind us, while also being a more compelling reason to do the right thing. In turn, this goes beyond common humanity as the range of possible links of causal responsibility have a more driving force when it comes to global governance. This is evident in cases where collective guilt about Dutch soldiers’ failure to stop Muslims from being killed during the Yugoslavia war in 1995, has supported the government’s policies for offering reparations and apologies to the descendants of victims.<sup>153</sup> In context to the critique of democracy, thick cosmopolitanism and common humanity recognize that imperfect systems like democracy continue to be responsible for causing harm in developing states while upholding a double standard for those who are seen worthy.

By referencing issues of democracy and its critical need for deconstruction, we are also realizing that such affinities are a contingent matter of context and institutional design.<sup>154</sup> This is

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<sup>150</sup> Nicholas Faulkner, “Motivating Cosmopolitan Helping: Thick Cosmopolitanism, Responsibility for Harm, and Collective Guilt,” *International Political Science Review / Revue Internationale de Science Politique* 38, no. 3 (2017): 317.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Faulkner, “Motivating Cosmopolitan Helping: Thick Cosmopolitanism, Responsibility for Harm, and Collective Guilt,” 318.

<sup>154</sup> Jack Donnelly, “Human Rights, Democracy, and Development,” *Human Rights Quarterly* 21, no. 3 (1999): 610.

seen in how people often conduct horrendous acts against their “fellow,” citizens of humanity.<sup>155</sup> As such, vast inequalities in states like Myanmar underscore the central role of politics and democratic “development,” when it comes to civil and political rights. However, their development in national prosperity and the economy are being sustained and celebrated as they appeal to “higher,” imperatives of democracy. This opposes the interests and rights of marginalized minorities or those considered as “Others.” The Rohingya have suffered from human rights violations since 1978, at the hands of the military junta and the structural circumstances of Buddhist nationalist groups in Myanmar. These institutions and political parties are recognized for their anti-Muslim grudges, and their actions have escalated to being genocidal.<sup>156</sup> Thus, the context of the Rohingya crisis in Myanmar, not only applies to the notions of common humanity but, also recognizes a contemporary state where its adoption of democracy does nothing for double standards or issues of coloniality. In turn, this section will focus on the unfortunate and forgotten state of the Rohingya, and how structural, cultural and direct violence has been influenced by coloniality. This is critical to our analysis as this example depicts how coloniality has funded double standards within democratic societies.

#### *Critique of Democracy: Myanmar*

As coloniality has investigated issues of identity and feelings of “otherness,” The Racial Contract by Charles Mill, also reiterates how double standards relate to the idea that “sub-persons are humanoid entities who, because of racial phenotype/genealogy/culture, are not fully human and therefore have a different and inferior schedule of rights and liberties applying to them.”<sup>157</sup> Mill suggests that it is possible to get away with doing things to sub-persons that would not be acceptable to others. This is based on the idea that such persons do not have the same rights as others and these sub-persons have a norm that alienates them

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<sup>155</sup> Jack Donnelly, “Human Rights, Democracy, and Development,” *Human Rights Quarterly* 21, no. 3 (1999): 610.

<sup>156</sup> Yordan Gunawan, Sonya Whisler Refisyanti, Aliza Mufida, Kukuh Derajat Takarub, and Aisah Nur, “Jurisdiction of International Court of Justice (ICJ) Over the Genocide Violations: with Special References to Rohingya Case,” *Fiat Justisia* 14 (4) (2020): 315.

<sup>157</sup> Charles W. Mills, “The Racial Contract,” (1997): 56.

from their own bodies and creates issues of identity. The relevance of double standards is not lost here, as the aim of political practices should be to generate and improve more working hypotheses about human nature that are not fixed on its biological determinant.<sup>158</sup> As such, deconstructing such literature is constructive for the reconstruction of common humanity, as it demonstrates how common humanity is needed as a critical political tool. Thus, connections to Mill have identified that it may be impossible to eradicate double standards and sub-personhood, without notions of common humanity and critical political thought.

In comparison, the Rohingya have been treated as sub-persons and are not given the same human rights as others in Myanmar. As such, the state itself has been involved with the contested feelings of identity and belonging. Many ethnic groups like the Rohingya do not feel a sense of identification with mainstream Myanmar society due to ethnic and cultural disputes. All in all, they do not just feel like sub-persons but are legally sub-persons as they are unable to obtain citizenship and are treated as such. In connection to the ideas of sub-personhood, we can analyze how xenophobia and racism contribute to the lack of common humanity for those who are struggling from violent occupation and statelessness. Myanmar has selected democracy as a form of government but has not changed its total behaviour toward Rohingya human rights violations. Any violation of human rights undermines the principles of democracy, rule of law and good governance.<sup>159</sup> It can be argued that democracy as a solution can impart binaries of developed and underdeveloped societies. This disguise further perpetuates the coloniality of power by dividing the societies of the world into notions of the civilized and uncivilized.<sup>160</sup> Myanmar was celebrated for its move toward democracy, yet they continue to exclude the Rohingya.<sup>161</sup> This is evident in their lack of citizenship, land confiscation, religious

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<sup>158</sup> Judith W. Kay, "Politics Without Human Nature? Reconstructing a Common Humanity," *Hypatia* 9 (1): 21.

<sup>159</sup> Iqthyer Uddin Zahed, "The State Against the Rohingya: Root Causes of the Expulsion of Rohingya from Myanmar." *Politics, Religion & Ideology* 22 (3-4) (2021): 469.

<sup>160</sup> Eglá Salazar Martínez, "Global Coloniality of Power in Guatemala: Racism, Genocide, Citizenship," Lanham, MD: *Lexington Books*, (2012): 10.

<sup>161</sup> Kunal Mukherjee, "Race Relations, Nationalism and the Humanitarian Rohingya Crisis in Contemporary Myanmar," *Asian Journal of Political Science* 27, no. 2 (2019): 247.

discrimination and forced labour.<sup>162</sup> Xenophobia and racism are both evident in Myanmar. The distinction between racism and xenophobia can be noted based on xenophobia being the literal “fear of the stranger.”<sup>163</sup> Comparatively, this is reflective of the idea of those who we perceive as “others.” This relates to the ideas of sub-personhood and depicts the continuation of violence over identity and the double standards that are applied within humanity.<sup>164</sup> These actions have been based on the conception that the Rohingya are an ethnic group that the central Myanmar government believes to be illegal immigrants or “strangers,” who should be returned to Bangladesh.<sup>165</sup>

Nonetheless, the Rohingya crisis has put the country up against the critiques of the international community as their racist and xenophobic policies toward the Rohingya depict the shortcomings of democratic systems. Modern democracy seems to provide government structure with a separation of powers that guarantees fundamental human rights and religious freedom. As such, democracy and human rights seem to be interdependent and interrelated. This depicts how the transition to democratic governments has not transitioned to issues of human rights. Democracy as a solution seems to always suggest that there will be respect and human rights, yet this does not seem to always be the reality. Through this analysis, we can recognize that making the world safe and representative of democracy will only be of value when common humanity, empathy and sympathy are properly guided by our state leaders and international legal policies.<sup>166</sup>

### **When there is Failure there is Still Hope**

When analyzing how common humanity should be addressed and how it impacts double standards, it is natural to recognize how hope for a better society relies on these notions. As

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<sup>162</sup> Kunal Mukherjee, “Race Relations, Nationalism and the Humanitarian Rohingya Crisis in Contemporary Myanmar,” *Asian Journal of Political Science* 27, no. 2 (2019): 244.

<sup>163</sup> Walter D. Mignolo, “The Geopolitics of Knowledge and the Colonial Difference,” *The South Atlantic Quarterly* 101(1) (2002): 79.

<sup>164</sup> Amartya Sen, “Violence, Identity and Poverty,” *Journal of Peace Research*, 45 (1) (2008): 5.

<sup>165</sup> Mukherjee, “Race Relations, Nationalism and the Humanitarian Rohingya Crisis in Contemporary Myanmar,” 242.

<sup>166</sup> Frederick G. Henke, “The Ethical Bases of Democracy,” *American Journal of Sociology* 25, no. 2 (1919): 202.

such, the impact of slow-moving transition and progression can impact populations and society significantly. This can be known as demoralization as, “the state of mind of a person is deprived of spirit and courage, disheartened, bewildered, thrown into disorder or confusion.”<sup>167</sup> De Figueiredo, asserts that the context of demoralization can be stressful as the expectations of a demoralized world are ambiguous and disheartening. However, in the face of demoralization Raphael Lemkin also recognizes how “such destruction offends our feelings of morality and justice.” As such, I encourage us to use these feelings to still have hope and to promote the value of human rights in any circumstance. The power of hope depicts the struggle for human rights which has been established to be the most glorious of triumphs. When people work together for the shared objective of peace, liberty and justice this demonstrates the extraordinary capabilities of society.<sup>168</sup> This is based on the realization that the struggle for human rights has given rise to one of the greatest transformations of human history.<sup>169</sup> Thus, with failure comes the hope and perseverance to inspire others to continue to expand and illuminate the future in the name of humanity. Overall, the more we think and become aware of the depth of the suffering in our world, the more susceptible and willing we can be to condemn all forms of despair.<sup>170</sup>

In the face of violent conflicts, as human beings, we must ask ourselves, “What can each of us do? What should we do? What can our leaders do?” For example, in November 2006, Egyptian Director General El Baradei said that “our rights as people—our human rights—must take priority over the sovereignty of the state.”<sup>171</sup> In the context of peaceful nuclear warfare, he states that we need to become united as human beings, beyond the differences of race, ethnic group, religion, and skin colour. The realization of how much we share as human beings can

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<sup>167</sup> Joanna R. Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” *University of Pennsylvania Press*, (2021): 34.

<sup>168</sup> Daisaku Ikeda and Adolfo Pérez Esquivel, “The Power of Hope: Thoughts on Peace and Human Rights in the Third Millennium,” (2021): 4.

<sup>169</sup> Ikeda and Esquivel, “The Power of Hope: Thoughts on Peace and Human Rights in the Third Millennium,” 42.

<sup>170</sup> Ikeda and Esquivel, “The Power of Hope: Thoughts on Peace and Human Rights in the Third Millennium,” 30.

<sup>171</sup> Ibid.

bring about peace and appreciation for our shared values. This will work to end horrendous atrocities as our differences will seem minuscule compared to the protection of universal human values.<sup>172</sup> In the context of Ukraine, the hope is that this will be a turning point in European and Western history as it is a reality check on how double standards can incite important precedents for treating refugees with more common humanity.<sup>173</sup> These are encouraging examples of society attempting to make an effort to acknowledge when inaction and a lack of common humanity are taking place. These recognitions and statements by activists and victims depict that people affected by conflict are ready to build “thin sympathy,” and move forward.<sup>174</sup> Certainly, common humanity has the possibility of being subjected to abuse and mystification, yet this should not deter us from carefully constructing discourse and mechanisms that will be more politically harmonious and ethical.<sup>175</sup> In addition, this refutes all claims that human nature is inevitably fixed, ahistorical and oppressive.<sup>176</sup> Thus, there is an indication that things will get better, as people strive to overcome the past by generating a greater understanding of how conflicts act as a continuous cycle of double standards. This may be understood as optimism as we wait for change that can reconstruct justice, political tools, humanity and democracy. However, having hope is a more powerful tool, because optimism can be seen as waiting for good to happen while being hopeful includes the will to make good things happen.

### Conclusion

Given the objectivity of my arguments on common humanity and double standards, scholars have found it difficult to resonate with a singular conception of these principles when trying to solve issues of marginalized conflict. However, the inspiration behind this paper has

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<sup>172</sup> Daisaku Ikeda and Adolfo Pérez Esquivel, “The Power of Hope: Thoughts on Peace and Human Rights in the Third Millennium,” (2021): 30.

<sup>173</sup> Emily Venturi and Anna Iasmi Vallianatou, “Ukraine Exposes Europe’s Double Standards for Refugees.” *Chatham House: The Royal Institute of International Affairs*, March 30, 2022, <https://www.chathamhouse.org/2022/03/ukraine-exposes-europes-double-standards-refugees>.

<sup>174</sup> Joanna R. Quinn, “Thin Sympathy: A strategy to Thicken Transitional Justice,” *University of Pennsylvania Press*, (2021): 102.

<sup>175</sup> Judith W. Kay, “Politics Without Human Nature? Reconstructing a Common Humanity,” *Hypatia* 9 (1): 28.

<sup>176</sup> *Ibid.*

been that inquiry into why there are certain standards and resources readily available to certain members of society over others. As recognized above, academics have critically analyzed this concept through political theories, philosophy and real-world narratives that have recognized that our notions of common humanity require deconstruction as double standards become more blatant every day. The invasion of Ukraine has rightly been a devastating crisis that deserves recognition and care. Nevertheless, when we can recognize our need for humanity in the Ukraine crisis, there should be no doubt that similar struggles have been unfolding for decades in areas like Afghanistan, Palestine and Myanmar. These different stages of conflict, reflect distinct differences when it comes to the dynamics of common humanity and the care being allotted. Refugees in Afghanistan and the Middle East are seen with resistance, brutal tolls of external military intervention and radical bias by Western governments and media outlets.<sup>177</sup> I have hypothesized that these dynamics are relevant due to the inconsistencies in our cosmopolitanism and our lack of recognizing common humanity as a tool within our justice systems. In addition, I have noted that long-lasting forces of orientalism, sub-personhood and othering have continued to label people as “us,” and “them.” This can be seen with racist tactics of division or simple discrimination in how states allocate citizenship and asylum. Nonetheless, I have targeted that our systems of government need to be deconstructed, as even properties of democracy constitute a divide between people. This is the exact illustration of world inconsistencies that I have attempted to rationalize and break down throughout this essay. In turn, I hope to have emphasized the importance of common humanity as an integral part of addressing systemic double standards.

Through this analysis, I have used feelings of empathy, sympathy and compassion within common humanity as relevant factors in conflict acknowledgment, transformation and transition. To further this study, I believe it would be interesting to examine how trust can impact

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<sup>177</sup> Khaled A. Beydoun, “Opinion | the World of Inconsistencies between Ukraine, the Middle East and Beyond,” The Washington Post, March 7, 2022, <https://www.washingtonpost.com/opinions/2022/03/07/ukraine-palestinians-kashmir-yemen/>.

mistrusting relationships as a result of double standards.<sup>178</sup> Understanding empathy and humanity as a normative principle of political order has been depicted to be an integral element of human relationships. The common theme within my writing has been the relationship between shared humanity and our moral obligations to recognize areas of double standards, especially when one is perceived to be less than another. In turn, I am optimistic that we can move beyond self-interested forms of care and be more willing to resonate with those who we feel are different from us. As demonstrated, we are allowed to be different from one another and embrace our autonomy. However, there should still be universal recognition of our equal subscription to world order and justice. Thus, common humanity for those who are unlike should not be so difficult, nor controversial. Having honest dialogues and enforcing accountability is a critical key to innovating the way we process such humanitarian crises. All in all, common humanity should work as a successful form of action in politics that works within the “toolkit,” of transitional justice, while also being imperative to any study surrounding issues of “gross and systematic violations of human rights.”<sup>179</sup>

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<sup>178</sup> Naomi Head, “Transforming Conflict: Trust, Empathy, and Dialogue,” *International Journal of Peace Studies* 17, no. 2 (2012): 33.

<sup>179</sup> Sumangala Bhattacharya, “Elusive Justice: The Rohingya Chronic Crisis and the Responsibility to Protect.” *Loyola of Los Angeles International & Comparative Law Review* 42 (2) (2019): 201.

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