

Can Armed Intervention to Save Strangers be Morally Justified?

Written by Adam Groves

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ADAM GROVES, DEC 2 2007

Humanitarian intervention is an issue which receives a great deal of attention from academics, politicians and the media. Throughout the 1990s, human rights abuses in Iraq, Somalia, Rwanda, Bosnia and Kosovo all raised the question of whether humanitarian intervention could be morally justified. This left Tony Blair to conclude in 1999 that 'the most pressing foreign policy problem we face is to identify the circumstances in which we should get involved in other people's conflicts'. In the twenty-first century the controversies have continued, and the international community has been deeply divided over whether to intervene both in Iraq and Darfur.

This essay will argue that humanitarian intervention can be morally justified in some circumstances. I will define humanitarian intervention as 'an armed intervention in another state, without the agreement of that state, to address (the threat of) a humanitarian disaster... caused by grave and large-scale violations of fundamental human rights' (CSS, 2000).

Firstly, I will show that the Realist objection to intervention on the grounds that your moral duty lies purely with your own citizens is increasingly obsolete. I will then criticise the argument that interventions are so likely to in end in failure they become morally unviable. Secondly, under the current legal framework, humanitarian intervention does not pose a major risk to global order and therefore global justice; (a moral concern). Furthermore humanitarian intervention is not the imposition of a western 'standard of civilisation'. Finally, whilst the charge of 'selectivity' may undermine the legitimacy of a states' claim that they have (primarily) humanitarian motives, it does not mean that intervention itself is morally unjustified. However, I will argue that because states' own interests are so heavily incorporated within humanitarian interventions, legalising a right to save strangers would lead to abuse which might pose a serious challenge to global order and global justice. This will lead me to conclude that whilst humanitarian interventions can be morally justified, the current legal framework should not be changed to legitimise them.

The Immorality of Risking Soldiers' Lives... in Interventions Doomed to Failure:

Can Armed Intervention to Save Strangers be Morally Justified?

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Realist critics of humanitarian intervention argue that a leader's moral obligation lies with their own citizens and the security of their own state. Huntington, for example, argues that 'it is morally unjustifiable and politically indefensible that members of the [US] armed forces should be killed to prevent Somalis from killing one another' (in Wheeler, 2000: 31). Similarly, Hoffman notes that neo-realists 'point to the dangers of intervention' in areas which are not strategically vital because 'conserving ones forces and concentrating one's attention on the major flashpoints' is essential to guarantee the security of your state (2003: 23). For realists, leaders have a moral duty 'to think and act in terms of the national interest' (Morgenthau, 1978: 5); sacrificing the wellbeing of your own people for the sake of saving strangers beyond your borders is a dereliction of this moral duty. However, I will argue that not only is this criticism in tension with the realist observation that states do not intervene unless their interests are at stake, but also: it is no longer necessarily the case that the welfare of co-nationals is considered more valuable than the welfare of strangers.

In 1973, Frank and Rodley wrote that 'in very few, if any, instances has the right [of humanitarian intervention] been asserted under circumstances that appear more humanitarian than self interested and power-seeking' (pg. 290). Four years later, Walzer contended that 'states don't send their soldiers into other states, it seems, only in order to save lives' (1977: 101). These observations appear equally valid for the numerous humanitarian interventions carried out during the 1990s (Neack, 1995: 194). The 1991 intervention to protect the Kurds in northern Iraq ensured that the Gulf War continued to be viewed as an overwhelming success. In 1992, the Bush administration believed that it was in US interests to intervene in Somalia (which was considered a relatively straightforward mission), so as to reduce the pressure on them to act in Bosnia, a conflict which many politicians saw developing into 'Europe's Vietnam' (The Times, 18/01/1993). Interests also played a major role in the 1999 Kosovo intervention. General Wesley Clarke, supreme commander of NATO's forces in Kosovo believes that justifying NATO's existence was 'the primary motive for the NATO bombing of Serbia'. It was in the coalition's interest 'to preserve the credibility of the NATO Alliance' (Coady, 2002: 24; also see BBC, 1999).

There is clearly a tension between the argument that humanitarian intervention is only carried out when it is in the national interest (an observation which appears largely true), and the assertion that intervention cannot be justified because it is not morally acceptable for a leader to sacrifice their citizens when the national interest is not involved. However, one may wish to discount this argument because it 'devalues the idea that human beings have a moral obligation to care for each other' across borders (Janzekovic, 2004: 24). Some eminent thinkers believe that whilst the 'moral preferentialism that grants priority to co-nationals... remains the dominant ideology... the belief that the welfare of co-nationals takes a precedence over the interests of aliens' has 'lost its status as a self-evident truth' (Linklater, 2000: 484). If we discount the national interest involved during humanitarian interventions then the

Can Armed Intervention to Save Strangers be Morally Justified?

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controversial question arises of how many soldiers one should risk for the sake of saving strangers. Chris Brown argues that 'attempts to produce some kind of algorithm that will give a general answer to the question of what is right and what is wrong' regarding humanitarian intervention 'are unlikely to succeed' (2003: 42). It must be left to the prudential and moral judgement of statespeople (who are accountable to public opinion, especially in democracies) to decide how many soldiers should be sacrificed in each specific circumstance.

Humanitarian interventions take place when it is in the intervening states' interests, meaning the moral problems associated with sacrificing soldiers for the sake of strangers are reduced. Regardless of this, there is an increasing body of thought that the lives of 'strangers' should be seen as no less valuable than the lives of co-nationals. If one accepts this as the case then statespeople have a moral right, or possibly even duty, to intervene if pragmatically possible.

Some thinkers would argue however, that intervention is so rarely a success that it is immoral to consider it. Because state leaders are vulnerable to domestic public opinion they have sought to ensure that intervention be 'cost free... in terms of risk to their own forces' (Coady, 2002; 26). Consequentially there is a reliance on air-power which 'shift[s] the damage on to largely blameless civilian populations' (Coady, 2003: 27). So great was the harm to civilians during the bombing of Serbia in the Kosovo intervention, that Amnesty International argued that NATO 'may have violated international humanitarian law' (in Coady, 2002: 27). In his article, 'The Short Unhappy Life of Humanitarian War', Charles Krauthammer scornfully concludes with regards to the 'successful' intervention in Kosovo (where NATO action not only directly killed an estimated 1500 civilians but resulted in an intensification of the ethnic cleansing): 'this is what happens when you *win*. Which is why there will be no more of it. It is an idea whose time has come and gone' (1999). It seems that humanitarian interventions frequently struggle to meet the just war principles of 'proportionality' and 'reasonable prospect of success', necessary if they are to be moral (Walzer, 1977).

However, the (im)moral costs of using force must be weighed up against the (im)moral consequences of inaction (or of alternative types of action). There are circumstances where the use of force would almost certainly lead to less immoral outcomes than no action. A forcible intervention during the 1994 Rwandan genocide, for example, could 'have stopped the Hutu killing machine in its tracks' (Wheeler, 2000: 240). Equally, Linklater notes that 'non violent interventions such as sanctions' are 'too slow and too respectful of the conventions surrounding sovereignty and non intervention' (2000: 488).

Furthermore, 'so called peaceful methods' can cause more damage than armed interventions. As Brown observes, 'far more innocent men, women and children have died in Iraq... as a result of UN sanctions... than died in

Can Armed Intervention to Save Strangers be Morally Justified?

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the course of the war that led to those sanctions' (2003: 33). Other academics point out that even 'pure humanitarianism can be counter productive' (Hoffman, 2003: 24), as was the case in Bosnia, Somalia and Rwanda where aid arguably exacerbated the conflict because it was controlled by militia.

Whilst 'the use of force... always produces harmful' consequences, it can 'promote good consequences' too (Wheeler, 2000: 35). Hoffman implies that ethical humanitarian intervention is all but impossible to achieve, and yet argues that we 'must go on' (2003: 28). It is a matter of judgement whether the outcomes of forcible intervention will be less harmful than no action or alternative types of action. However cases such as the Rwandan genocide suggest that humanitarian intervention can sometimes be morally justifiable.

The Promotion of Western Values and the Potential for Global Disorder:

Numerous thinkers have criticised humanitarian intervention as the promotion of western values. Doyle notes that 'Moral diversity complicates international anarchy. There is not a practical international consensus on what is right and wrong' (2000: 57). This is an observation which is made most clearly by pluralist thinkers from the English School. Hedley Bull writes that 'a notion of the world common good', which concerns 'the common ends or values of the universal society of all mankind' (1977:81) 'does not exist except as an idea or myth' (1977: 82). Similarly, Jackson writes 'there are many groups in world politics, each with different values, or different versions of the same value, which are distinctive to themselves' (2000: 179). Realists have also stressed that 'moral self inflation' can lead to 'the illicit imposition of values on others' (Coady, 2002: 16).

Imposing one's values on others is in itself morally wrong. However, I will argue that this does not occur during humanitarian intervention. Under the current legal framework, intervention is usually sanctioned by the United Nations (a body which is almost universal in membership). However, non-UN sanctioned humanitarian interventions face huge scrutiny from the international society of states, and therefore are unlikely to occur unless there is a humanitarian tragedy. As Doyle observes, 'there are some nearly universal human values' (2000: 57), and even if these 'are thin', they are likely to cover acts of genocide and mass murder. The 'International Commission on Intervention and State Sovereignty' (ICISS) found a 'broad willingness to accept the idea' that states must protect their citizens from harm, and that 'coercive intervention for human protection purposes, including ultimately military intervention, by others in the international community may be warranted' if they fail to do so (2001: 69). When a consensus has been lacking over whether intervention should take place (such as in Kosovo), it has not been because of a divergence of values, but because of a divergence of interests.

Can Armed Intervention to Save Strangers be Morally Justified?

Written by Adam Groves

However, pluralists argue that this divergence of interests can become a moral concern if global order is disrupted. Bull argues, 'justice, in any of its forms, is realisable only in a context of order' (1977: 83). Humanitarian intervention could jeopardise stability by bringing the great powers into conflict; seen by Jackson as 'the only [actors] who can imperil' international order (2000: 173). Furthermore, Linklater reports that many academics worry that humanitarian intervention is in 'danger of eroding barriers to the use of force' for all states, weak or powerful (2000: 488).

As Fernando Teson notes, 'this objection to humanitarian intervention is unconvincing' (2003: 99). He argues that recent interventions have hardly 'shaken the world order beyond recognition' (2003: 113). Linklater argues that in cases where the great powers do disagree, it is their responsibility not to use a veto 'in the worst humanitarian emergencies' (2000: 490), and thereby they will avoid disrupting order.

There is a historically accepted causal relationship between 'internal' conflict and global instability. This has been highlighted recently as failed states are increasingly cited by politicians and academics as an international security concern (Straw, 2002; Mallaby, 2002). One could argue that 'internal' conflicts, which may eventually become internationally destabilising, pose a greater risk to global order than disagreements over humanitarian intervention.

The number of innocent people killed by their own government greatly outnumbers the victims all wars in the twentieth century (Rummel, 1995: 3) which brings into question whether justice is being achieved regardless of international order. Teson concludes, that if tyranny and anarchy within states has reached such high levels then 'perhaps [a] collapse [of the global order] is a desirable thing' (2003: 114). He proposes that the 'preservation of the state system' may be little more 'than a euphemism' for the protection of 'incumbent governments and the status quo... regardless of their value to actual human beings' (2003: 112).

In summary, there is little evidence that humanitarian intervention poses a serious threat to global order (and therefore global justice). Indeed, the greater risk may be that injustice and disorder within states spread to become an international concern. Furthermore, international justice could be so absent already that even if intervention posed a threat to order this may not leave it morally undermined.

The Question of Selectivity and the Problem of Abuse:

The charge of 'selectivity' has been made with regards to numerous interventions in recent decades. Why intervene in Kosovo on behalf of the Albanians, but not for the East Timorese, the Turkish Kurds, the Tibetans or the

Can Armed Intervention to Save Strangers be Morally Justified?

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Chechens? Many humanitarian crises occur 'in backwaters of no strategic significance... [to] the major players' (Hoffman, 2003: 23). This leads to 'agreed moral principle[s]' being neglected because 'national interest dictates a divergence of response' (Wheeler and Bellamy, 2001: 474). Selectivity seems to undermine the moral legitimacy of humanitarian intervention.

Thomas Weiss (1994) has invoked the idea of 'triage' to try and explain how selective intervention might take place whilst maintaining adherence to a moral rule. Scenarios can be split into three groups: those which are pragmatically impossible (even if intervention is morally justified), those where the difficulties are insufficient to warrant intervention (even if it is pragmatically possible) and those where intervention is both justified and pragmatic. However, it is 'very difficult to argue that... [this] can be seen to be operating in the real world' (Brown, 2003: 36).

As I discussed earlier, interventions appear to be guided in great part, (maybe primarily) by national interest. Indeed, states may specifically avoid intervening in humanitarian crises if the status quo leaves them in a beneficial position relative to others in the global system (Neack, 1995: 184).

However, thinkers such as Wheeler and Teson argue that the 'primacy of humanitarian motives' is not 'a defining test' of whether a humanitarian intervention is morally justified (Wheeler, 2000: 38). Instead, they place the emphasis on whether the intervention achieves a moral outcome. Wheeler writes that 'even if an intervention is motivated by non-humanitarian reasons, it can still count as humanitarian provided that the motives, and the means employed, do not undermine a positive humanitarian outcome' (2000: 39).

In this essay I have refuted a number of moral criticisms to argue that humanitarian intervention can be morally justified. However, I will now suggest that this does not mean that a right to humanitarian intervention should be legalised.

Martin Wight recognised that the issue of intervention 'raises questions of the utmost moral complexity: adherents of every political belief will regard intervention as justified under certain circumstances' (1979: 191). One might argue therefore, that we should attempt to identify these circumstances and give states a right to carry out humanitarian intervention. This could be dependent on UN Security Council (UNSC) authority, or could be a right of all states (like self-defence) so that humanitarian interventions would be justified even if the UNSC was paralyzed. After all, 'collective authorization' is not 'morally required'; it merely 'reflect[s] new legal and practical realities' (Nardin, 2000: 17). If Dunne and Wheeler are correct, and 'good international citizens have a [moral] duty to use force' to stop extreme human rights abuses (1998: 869) then maybe international law should be realigned to sit

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comfortably with this moral 'duty'. Mason and Wheeler argue that 'institutional arrangements' will 'minimise the scope for abuse, and create a state of affairs better than' exists currently (1996, 106).

However, there would be numerous problems if such an attempt was made. If the level of violence necessary to constitute a humanitarian crisis was rigidly defined, then the aggressors could restrict their violence to just below the level required to legitimate an intervention. This is something which has already been seen during the Kosovo crisis when a Serbian diplomat reportedly quipped that 'a village a day keeps NATO away' (Washington Post, 18/04/1999). Furthermore, it would completely rule out 'preventative' interventions, such as occurred in Kosovo where although 'only a few hundred Albanians [had] been killed' intelligence suggested that it was 'a precursor to a major campaign of killing and ethnic cleansing' (Wheeler, 2000: 34).

Authoritarian leaders would effectively be given a license to commit atrocities up to certain levels in the knowledge that international law was definitively on their side. Not only would this greatly diminish global justice in itself, but it might also destabilise global order as increasing levels of internal unrest became internationalised. This appears morally less preferable than the current ambiguity which exists regarding the UN's legal right to intervene.

Alternatively, the definition could remain flexible so that each situation could be considered according to the circumstances; Toumlin reminds us that 'sound moral judgement always respects the detailed circumstances of specific kinds of cases' (1990: 32). However, as Frank and Rodley (1973) argue, we then face the possibility that states can abuse the right of humanitarian intervention as they already abuse the right of self defence embodied within Article 2 (4). They cite Hitler's invasion of Czechoslovakia (which he justified with reference to the minority rights provisions of the League of Nations) as an example which demonstrates how order and justice can be undermined when a right to intervention is given to states (1973: 284). Alternatively, if UNSC authorisation was required, the great powers would clash over what constitutes a humanitarian emergency with increased frequency, thereby increasing the risk to global order. Recent attempts by politicians to retrospectively justify the 2003 invasion of Iraq in terms of humanitarian intervention (Roth, 2004) show that it is already perceived to be a powerful legitimising tool in world politics. Mason and Wheeler's assertion that 'institutional arrangements' would 'minimise' the problem of abuse, does not appear convincing in light of the 'seeming inability of internationally agreed norms and rules to constrain the world's most powerful actors' even in the present legal framework (Bellamy, 2004: 1). States would manipulate a right of intervention in order to gain legitimacy for acts of war.

Conclusion:

Can Armed Intervention to Save Strangers be Morally Justified?

Written by Adam Groves

I have argued that humanitarian can be morally justified. Firstly, it is carried out when in states' interests meaning that soldiers' lives are not immorally sacrificed. However, one might also argue that statespeople have a right (or responsibility) to sacrifice soldiers in order to protect strangers across borders. Furthermore, humanitarian interventions are sometimes morally preferable to no action or alternative types of action; they are not doomed to failure.

Secondly, intervention is not the imposition of a western standard of civilisation; there is broad consensus on values, it is interests which clash. When these interests do clash, in the current legal framework they do not pose a serious risk to order and justice.

Finally, selectivity does not undermine the moral legitimacy of humanitarian intervention. However, if states had a right to intervene in humanitarian emergencies, this could be manipulated and abused by all parties, greatly increasing the risk to global order and global justice.

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Can Armed Intervention to Save Strangers be Morally Justified?

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Can Armed Intervention to Save Strangers be Morally Justified?

Written by Adam Groves

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