Humanitarian intervention is one of the primary international security problems of today. As an object analysis, it sits at the intersection of the realist and idealist traditions in the study of international relations. Despite its high profile, debate on humanitarian intervention is unsatisfactory; participants talk past one another and most discussion is devoid of ethical concepts. In particular, there is a striking absence of explicit reference to the Just War tradition. Only scholars of international law have explicitly and systematically examined normative issues, but their focus seems too narrow. The result is a series of what appear to be arbitrary judgments about when humanitarian intervention is justified combined with an often fundamental misunderstanding of the international system. This essay presents a sketch of the Just War tradition's main concepts and argues that it is both possible and advantageous to resort to them in discussing and evaluating humanitarian intervention. The article then applies these concepts to the recent debate on humanitarian intervention and shows that almost all of the concerns raised in this scholarship fit within the Just War framework. The essay focuses on the criteria from the Just War tradition that deal with when to resort to the use of armed force.

It would be impossible for the world to be happy . . . [if] the innocent were not allowed to teach the guilty a lesson (Vitoria 1557[1991]:298).

Humanitarian intervention has become one of the most debated topics in international politics today. It is among a group of problems—civil wars, conflict resolution, and conflict prevention—that are forming the keynotes of security since the
end of the Cold War, much as the arms race, deterrence, and disarmament were until the Soviet Union ceased to exist. Humanitarian intervention is a largely—though not wholly—new area of inquiry within academic international relations. Yet it offers, among other things, a chance to revisit a theme that is both perennial and “arguably the hottest topic in international relations theory today” (Kegley 1995:1)—the debate between idealism and realism.

Idealism is inherent in the premises for humanitarian intervention. There has been much discussion of “the CNN effect” (Gow 1997:215–216; Holbrooke 1998: 34–35, 91), which is believed to have directed the political agenda in Western Europe and North America toward peacekeeping operations in Iraq, Bosnia, Haiti, Rwanda, and Somalia. It is a shorthand term for a process by which an ethical response to a large-scale tragedy is first aroused and then translated into political action. Beyond the motivation, humanitarian interventions are multilateral and based on cooperation. Such is the stuff of idealism. Meanwhile, realism emerges in the recognition that the actors in the multilateral operations are the governments of states, acting out of a mix of short- and long-term interests. Humanitarian intervention is never purely humanitarian.

An opportunity to revisit the idealist-realist debate may not stir much interest. The discipline’s habit of navel-gazing distracts attention and, perhaps, energy from worthwhile research on real-world problems (Goldmann 1995). Moreover, the debate is often narrow in scope; more than anything else, it reflects the uncertain and unsatisfactory bounds of the current field of international relations (Smith 1996). Accordingly, if the debate is to be revisited, it must be done in terms that can be more productive than simply recycling old, familiar hypotheses and a priori assumptions. Given that humanitarian intervention contains aspects of both idealism and realism and is a topic born of the post–Cold War, it offers us a new context and a different set of problems and issues to examine in exploring this old debate.

The quantity of international relations literature in the 1990s on humanitarian intervention—that is, intervention into armed conflicts for humanitarian purposes with a range of means including armed force—shows that the field has responded quickly to the need to shift focus in the post-Cold War era. In preparing this essay, we reviewed a large portion of this literature. Like Richard Little (1993), we found “surprisingly little” research leading toward a general theoretical understanding of intervention. There are no doubt many reasons for this fact, but three stood out to us as we read.

The first is the extent to which people talk past one another (Hoffmann 1995–1996; Smith 1997). While some writers focus almost exclusively on moral questions, such as whether there is a right or duty to intervene, others are mainly concerned with political, strategic, and prudential questions. Divorcing the issues in this way is unfortunate and unnecessary. The moral and the strategic are intimately connected; what is required is a framework of argument that embraces both.

The second is that very little of the ethical argument passes muster. With few exceptions, the ethical issues are dealt with less convincingly, systematically, and competently than the strategic and political issues. This literature shows a distinct bias against normative arguments, even when discussing normative issues.

The third is that, with one exception, all the arguments in the intervention literature fit the framework of the Just War tradition, but there is very little direct reference to that tradition in the material. The exception is not unimportant: it is the question of will, or the lack of it, which has been a central feature of criticisms of United Nations’ (UN) action in Bosnia (Gow 1997). That apart, the literature draws implicitly on considerations and arguments that have been discussed in the
Just War tradition since its origins in the early medieval period. Such a finding should not be surprising. In Western culture, the Just War tradition is the tradition for addressing moral questions about when and how to use force. As James Turner Johnson (1984:11, emphasis in original) argues:

The name just war stands for a broad and consensually shaped tradition in Western culture on the problems of justifying and restraining the violence of war; as products of that culture, we cannot shuck off these traditional ways of thinking by a simple act of will.

Despite this observation, only a few works on intervention refer directly to the Just War tradition. John Becker (1995) does so skeptically, while Nicholas Hopkinson (1993:8–9) seems to do so unknowingly, listing several criteria for humanitarian intervention that are identical with important Just War criteria without referring explicitly to that tradition. Robert Myers (1996) rejects the tradition’s general validity, while Mervyn Frost (1996:199–200) dismisses its relevance to civil war and intervention. Oliver Ramsbotham and Tom Woodhouse (1996:226, 228; see also Ramsbotham 1997, 1998) list twelve principles for humanitarian intervention, several of which correspond to Just War criteria, even though they mention the tradition itself only briefly. Charles Stevenson (1996) justifies the Clinton Doctrine on use of force by using Just War concepts, but misleadingly presents them all as absolute conditions. Others (e.g., Fisher 1994; Sharp 1994, 1997; Smith 1994, 1997; Hehir 1995; Collins and Weiss 1997; Harff 1997) give the tradition a more important place in analyzing the literature on the appropriate modes of humanitarian intervention.

The purpose of this review essay is to show that the Just War framework is able to encompass most of the main arguments in the current humanitarian intervention literature and, thus, that the debate on humanitarian intervention would benefit from more explicit use of this framework. Our procedure is to group the various assumptions, arguments, and views on intervention according to the logic of the Just War tradition. Structuring a diverse literature according to the categories of one tradition with which that material barely engages runs the inevitable risk of simplifying arguments and ignoring significant nuances. Nonetheless, we believe that the enterprise is justified, if only because explicit engagement with the Just War tradition will improve our understanding of this important phenomenon.

In the next section, we sketch the main points of the Just War tradition (or framework). In this essay, for reasons of space, we address only one part of this tradition—that which concerns the decision to resort to arms. We will not consider the other part—the right and wrong ways to use force once the decision has been made to use it. We will present arguments that explain why it is both possible and advantageous to resort to the Just War tradition in the context of humanitarian intervention. Having, we hope, established a comprehensible outline of the Just War tradition, we then discuss the one part of the intervention literature that has seriously and consistently addressed normative questions—the literature on international law. We use this section to distinguish between legal and ethical concepts of justice and to propose that the hegemony of arguments based on the law pull the debate on intervention in an unproductive and unrealistic direction. Following this presentation, we review the intervention literature in the light of the six criteria drawn from the Just War tradition.

The Just War Tradition

Just War is the name for a diverse literature on the morality of war and warfare that offers criteria for judging whether a war is just and whether it is fought by just
means. This tradition, thus, debates our moral obligations in relation to violence and the use of lethal force. The thrust of the tradition is not to argue against war as such, but to surround both the resort to war and its conduct with moral constraints and conditions.

The literature on Just War is usually traced back to Saint Augustine of Hippo in the fifth century. The theme was revived in the twelfth century and was made systematic by Saint Thomas Aquinas in the thirteenth century. As a received tradition, it is Christian and largely Western—though it draws on ancient Greek philosophy, there is a comparable concept in the Koran (Armstrong 1993:156), and a similar debate in Islam (Martin 1991; Mayer 1991). European theologians were primarily responsible for formulating the specific Just War criteria for judging the morality of war that we discuss here. The tradition has also been influenced by canon lawyers, legal scholars, secular philosophers, and military strategists (Johnson 1975, 1991; Barnes 1982).

There are two Just War categories, ius ad bellum and ius in bello. The former concerns when we may justly resort to war, and the latter discusses how the war may legitimately be fought. Table 1 presents the main criteria in each category together with brief explanations of what the particular criteria mean. The criteria listed in this table are primarily drawn from the work of Richard Miller (1991:13–15).

Some may argue that it is inappropriate to transfer the concepts and criteria of the Just War tradition to the issue of intervention. After all, the tradition developed primarily within theology. The main question facing Augustine and Aquinas was whether a Christian could legitimately resort to force. In the modern era, some scholars still argue for a religious Just War ethics (e.g., Ramsey 1968), but most moral philosophy is secular, as is our approach here.

Although theology was the most important formative influence on the Just War tradition, it was not the only one. Another source, especially for the in bello criteria, was the medieval chivalric code (Johnson 1975, 1981). The medieval knight’s duty to protect the innocent or the weak was one of the first attempts to codify immunity for noncombatants. On the ad bellum side, the sixteenth-century Reformation led to a partial secularization, splitting apart the secular from the religious

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<th>TABLE 1 Just War Criteria by Category</th>
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<th><strong>Criterion</strong></th>
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<td><strong>Ius ad Bellum</strong> (the Justice of Resort to War)</td>
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<tr>
<td>Right authority</td>
<td>Only a legitimate authority has the right to declare war.</td>
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<td>Just cause</td>
<td>We are not only permitted but may be required to use lethal force if we have a just cause.</td>
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<td>Right intention</td>
<td>In war, not only the cause and the goals must be just, but also our motive for responding to the cause and taking up the goals.</td>
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<td>Last resort</td>
<td>We may resort to war only if it is the last viable alternative.</td>
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<td>Proportionality</td>
<td>We must be confident that resorting to war will do more good than harm.</td>
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<td>Reasonable hope</td>
<td>We must have reasonable grounds for believing the cause can be achieved.</td>
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<tr>
<td>Relative justice</td>
<td>No state can act as if it possesses absolute justice.</td>
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<tr>
<td>Open declaration</td>
<td>An explicit formal statement is required before resorting to force.</td>
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<tr>
<td><strong>Ius in Bello</strong> (the Justice of the Conduct of War)</td>
<td></td>
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<tr>
<td>Discrimination</td>
<td>Noncombatants must be given immunity and protection.</td>
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<tr>
<td>Proportionality</td>
<td>Military actions must do more good than harm.</td>
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and the Protestant from the Catholic, but there was often agreement across these divides. Most religious philosophers maintained that war for religion was the most just cause for the use of force. In their opposition to this point of view, secular scholars were joined by the influential Catholic theologian, Vitoria (1557 [1991:302]). Secular philosophers who thought about justice in war in terms of natural law were identifiably inspired by writers such as Augustine and Aquinas. In their interpretations of right, the Jesuit Francisco Suárez (1621 [1944]) and the Protestant Hugo Grotius (1625 [1990]) were closer to each other than to some of their respective coreligionists (Skinner 1978:284–301). Those readers deterred by the theology in Just War arguments may be reassured by the tradition’s inclusion of both secular and ecumenical elements.

The Just War tradition has several advantages in dealing with the range of problems involved in determining the legitimacy of using force. Its first advantage is that it recognizes politics and the reality of power alongside ethics. The relevant parts of Augustine’s (427 [1984]) *City of God* are an effort to move away from early Christian pacifism without ceding Christian virtues. Writing in the wake of the sack of Rome, Augustine points to the flaws and sinfulness of human nature that make wars necessary but that do not give license to taking war as an occasion to suspend the struggle to be virtuous. He (Augustine 427:XIX, 7 [1984:861–862]) confronts the dilemmas that force wars upon the unwilling, saying:

> But the wise man, they say, will wage just wars. Surely if he remembers that he is a human being, he will rather lament the fact that he is faced with the necessity of waging just wars; for if they were not just, he would not have to engage in them, and consequently there would be no wars for a wise man.

For Augustine, then, wars always have been and will be a part of earthly life. He is sometimes referred to as an early realist, but *City of God* shows him to be subtler than that, sitting on the cusp between realism and idealism, seeking the virtuous path through a sinful world. Nearly sixteen centuries later, identifying the need to balance between recognizing a painful reality and attempting nonetheless (or therefore) to do the right thing remains a major achievement of the Just War tradition. This tradition provides the means for avoiding the tendency in so much writing on international relations to present ethics and politics as disconnected and dichotomous. Ethical and political arguments address problems from different angles; it is legitimate to distinguish between them, but unhelpful to treat them in isolation from one another.

A second advantage of the Just War tradition is that by recognizing the imperfections of the human world, the framework also acknowledges the moral importance of consequences. The use of force, in itself undesirable and normally wrong, may nevertheless be necessary and right in some circumstances. Even then, it can have harmful effects. Thus, it is important but not enough to have virtuous aims. The Just War framework reflects three major ethical traditions: deontology, consequentialism, and virtue ethics. In deontology, priority is given to the need for our actions to fulfill the duties we owe to others; actions are judged on the basis of whether they conform to standards derived from, for example, the concepts of natural law. In consequentialism, priority is given to the need for the effects of our actions to fulfill the duties we owe to others; actions are judged by whether they promote welfare, happiness, or other good effects. In virtue ethics, priority is given to the need for our actions to fulfill the duty we owe ourselves to fulfill the duties we owe to others; thus, it is the actor who is judged rather than the action, based on whether the person has a good character and good intentions. Duty, effects, and the character of the actor are themes that reverberate in Just War philosophy and the intervention literature.
The third advantage of the Just War traditions builds on the idea that the imperfections of the world and the discrepancies that often exist between virtuous intentions and uncertain consequences encourage us to ponder each case before making firm judgments about the legitimacy of a war or intervention. The Just War tradition meets this challenge through its distinctive, case-specific form of argument. In this tradition, moral principles set guidelines and admit of exceptions, compromises, and the clash between desire and reality. This form of argumentation goes by the name of casuistry. The advantage of casuistry is that, rather than submitting moral dilemmas to the “tyranny of principles” (Jonsen and Toulmin 1989:5), it attempts to bring morality and actuality onto the same plane. Conclusions arise not from strong preconceived notions about justice in war (or intervention) but from sensitivity to the reality of the particular war (or intervention).

This flexible discursive mode is well suited to the complex challenges of intervention in current conflicts. Few would hold that all interventions are morally right—or wrong. In most interventions, the complicated circumstances can lead debate in different directions. Rigid moral principles do not help us deal with this complexity. Does a failure to meet the test of proportionality, for example, tip our judgment against intervention even though there is an unquestionably just cause? If there is just cause and every reason to believe the intervention will succeed and do little damage, should we hold back because of problems about legitimate authority? These questions cannot be answered by propounding general principles except at such a level of generality as to be effectively useless. But that is no reason to conclude that intervention cannot be subjected to moral philosophy (Jackson 1993) or governed by ethical rules (Rengger 1993). The answer lies in achieving a balance between moral and political arguments as well as between the care for motives and for consequences. Such a balance is characteristic of the Just War tradition.

International Law and International Ethics

The normative perspective most frequently found in the current literature on humanitarian intervention is grounded in international law and human rights. International legal scholarship brings to the examination of this type of intervention the explicitly normative discourse that is appropriate for an evidently ethical issue. For this linkage, it deserves credit. The scope of that discourse, however, focuses narrowly on how to balance state sovereignty and human rights against each other (e.g., Reisman 1990; Gardner 1992; Scheffer 1992; Carty 1993; Donnelly 1993; Greenwood 1993; Johnson 1993; Leifer 1993; Pease and Forsythe 1993; Himes 1994; Lyons and Mastanduno 1995). Achieving this balance is no small issue, of course. For three centuries, the state has been the organizing principle of political power, political philosophy, and political science (Hoffmann 1995–1996). And human rights have become a major feature of both political and ethical discussion in the late twentieth century. That said, a legal discussion of sovereignty and human rights by no means exhausts the ethical issues raised by humanitarian intervention. Moreover, the issues are not nearly as straightforward as some of the more aggressively normative legal literature supposes. Before we propose a different normative route be applied to further discussions within the intervention literature, it is worth considering four important shortcomings in the current international legal writing on intervention.

The first is the simultaneously empirical and analytical error of assuming that the age of sovereign states is coming to an end in a timescale that will affect the current intervention debate. Empirically, this assumption is untenable. Presently
there are more sovereign states than there have ever been, and they keep appearing. One calculation is that in the nineteenth century new sovereign states were founded at an average rate of one every four years, compared with every eighteen months in the first half of this century, and every five months in the second half (Kidron and Segal 1995:154). In analytical terms, of course states’ sovereignty is limited (Onuf 1995; Watson 1997). The mistake is to think that there has been any period in the past five centuries when it has also not been limited. Today there may be changes in degree, but the basic principles of states’ behavior have not changed (Krasner 1995). Most states’ capacity to meet today’s major problems is limited; however, there is no other agency that can mobilize the necessary resources and organize solutions to these pressing problems (Halliday 1994).

While the increasing number of interventions is taken by some writers (e.g., McCarthy 1993; Jackson 1995; Lyons and Mastanduno 1995; Rosenau 1995; Lugo 1996) as one sign of the collapse of the state system, such a trend can also indicate the shoring up of state sovereignty (Forbes 1993). For example, strengthening state sovereignty in southeastern Europe was persuasively presented as one of the objectives of intervention in order to prevent ethnonationalist violence from spreading (Pfaff 1993:105–107). It is, therefore, more persuasive to view any changes in sovereignty as long-term (Rosenau 1995), or as swings in the pendulum of power (Watson 1997) in the context of the constant evolution of sovereignty (Barkin 1998:230–231), rather than to claim that a fundamental shift has occurred or is imminent.

The second shortcoming in the legalists’ discussions of intervention follows from the previous one. Leaving to one side some important reservations in the literature, the picture that is painted in general is that of an international system in which, as juridical distinctions between states fade, the authority of international law is increasing to the point that it resembles the status of law within states today (Rosas 1994). The implicit claim is made that whereas making legislation is political, the implementation of law is not. But in the context of intervention, this analogy between national societies and international society does not hold up. Although it may work in relation to organizations such as the World Trade Organization or the European Union, where all parties consent to the framework of law, it appears to have little bearing when a group of states attempts to use legal norms against another state such as Iraq or a para-state such as the Republika Srpska. In the latter cases, the use of the law is political to the core. Some critics (e.g., Betts 1994; Rieff 1994, 1995b; Weiss 1994) of United Nations’ policies in Bosnia during the 1992–1995 war insisted that the organization had to drop its impartiality and take sides for justice and law to occur—in other words, work against the Serbs. In short, giving law a central place in the discussion of intervention when the state system has not collapsed necessarily politicizes humanitarianism. This politicization may not be a bad thing; however, what is happening needs to be understood. Discussions of intervention cannot address reality if those involved restrict themselves to identifying and interpreting relevant law.

The third shortcoming is something of a gloss on the second. The international law perspective tends to equate what is legitimate with what is legal. James Turner Johnson (1984:22–23) traces this axiom to Grotius in the seventeenth century, and argues that it creates moral uncertainty about what constitutes legitimate authority. Grotius (1625 [1990]) gave a systematic statement about the equation of legitimacy with legality, but it is not clear that he originated the idea. Both Vitoria (1527 [1991:299–302]) and Suárez (1621:disp. XIII [1944:805–810]; see also Copleston 1993:393–395) emphasized the centrality of the state and its sovereignty in deciding what was to be considered a legitimate authority. In the
age in which absolutism emerged, these authors were hardly alone (Skinner 1978). Yet Grotius, Suárez, and Vitoria all recognized that ethical concepts of justice are at least as important as legal concepts of justice. Failure to see this relevance leads to the arbitrary way in which much current legalistic literature discusses if a right of humanitarian intervention exists. Consider the paradox that international law recognizes the right of a nation to send troops into a foreign country to rescue its citizens and third-country nationals but not to rescue imperiled citizens of that country (Scheffer 1992:6). In 1991, the decision was made to finesse the legal constraints and establish a safe haven for Kurds in northern Iraq; the moral case was always clear, but the legal basis was and remains extremely shaky (Cook 1995:52–55). If it had been anywhere except Iraq, this kind of decision would probably not have been made. In short, the international legal order is not coherent (Navari 1993), and law alone is not adequate for defining or understanding justice (Smith 1998:66).

The fourth shortcoming revolves around the international legal literature’s emphasis on rights. Legalists may see what we have been saying as a dismissal of everything for which the law stands. That is not so. Our point once again is to distinguish between ethical and legal concepts of justice. In law, justice can be expressed through rights and counterpart duties; for example, a right to life for all equals a duty not to kill. There can be no right—or, in philosophical parlance, “claim right”—without a consequent duty (Waldron 1991:443). As a fundamental ethical position, we would argue that duties form a better starting place for discussion than rights and allow one to envisage a richer social fabric. The advantage of starting with duties is simple, even arithmetical: there can be no rights without counterpart duties, but there can be duties without counterpart rights. Some of the attributes normally described as virtues fall under this heading (O’Neill 1996:136–141); we have a duty to help people who have no right to expect it from us. Thus, starting with duties makes possible imagining a better world than is possible if we base our discussion on rights. We are not saying that rights are unimportant; far from it, they have their place, but that place can only be found by starting with duties. People are first agents with duties rather than merely recipients (or nonrecipients) of rights.

Extending this argument from relations within society to international politics offers liberation from the necessity to pretend that the world is better regulated than it is and that all relevant rights have been properly established. It permits us to dispense with legal fictions and acknowledge the complexity of international affairs. By placing the emphasis on the agent as well as on the decision and action, rather than limiting ourselves to discussing the plight to which that decision and action respond, we can ensure that the ethical and political dimensions remain in contact with each other. In this way we can face an obvious truth: while humanitarian intervention has a strong element of ethical motivation, the process of deciding when to intervene into a complex conflict is political.

**Just War Criteria and Intervention**

We come finally—and, perhaps, too elaborately—to the core task of this essay: to present and discuss the arguments in the humanitarian intervention literature in the light of Just War criteria. Whatever its weaknesses, the international law literature does at least offer a normative framework for discussion of an issue that is significantly, though not wholly, normative. In this endeavor, so far, it stands alone. Having suggested the shortcomings in the international law scholarship for understanding humanitarian intervention, we look into a void of what seem only
haphazardly connected arguments. So we seek to compensate for our critique by advancing an alternative framework. We begin with—and place most emphasis on—the three most common criteria in the Just War tradition that have come down to us from medieval times from Aquinas, who argued they were the necessary conditions for a war to be deemed just: “right (legitimate) authority,” “just cause,” and “right intention.” We will, then, consider the criteria of “last resort,” “proportionality,” and “reasonable hope” that were made explicit after Aquinas but were implicit in his and earlier writings.

Our treatment of the criteria is far from comprehensive. For reasons of space, we do not discuss the *ius in bello* (conduct of war) criteria. In restricting our presentation, we are not implying that ethical standards for how force is used and organized are unimportant in the case of intervention. Although some professional assessments of intervention operations (e.g., Cambone 1994; most of the compilation by Quinn 1994; Allard 1995; Rønnefeldt and Solli 1997) have had no space for standards and constraints, it would be mistaken to regard this ethical silence as either uniform or mandatory. Indeed, there are signs that ethical standards are entering into the discussions of intervention, both in analyzing past operations and in preparing for the future (e.g., Berdal 1993:45-48; Hillingsø 1994; Hundt 1994; Klepak 1994). We urge that such considerations be continued in the future and make explicit reference to the *ius in bello* criteria.

We have also opted not to consider two *ius ad bellum* (resort to war) criteria: “open declaration” and “relative justice.” Open declaration is straightforward in the intervention context, an inevitable part of the process of multilateral intervention given that the mandates for such operations are generally discussed in the United Nations Security Council. Were it not inevitable, it would have to be insisted upon. Whereas in the medieval Christian context open declaration was required in order to signal the transition from one moral zone (where killing was banned) to another (where it was permissible), today it is required in the name of transparency and accountability in international decision making. Invoking this criterion, however, does not mean that details of military plans have to be revealed to parties who might try to resist and block intervention. As to the criterion of relative justice, we regard it as a guide to the appropriate tone of discussion on intervention that should avoid the language of absolute condemnation as well as of total partiality to either side in a conflict.

**Right Authority**

The question of right (or legitimate) authority concerns both who has the right to resort to the use of force and how this right can be justified. This issue is, of course, crucial in humanitarian intervention because a decision to intervene may contravene a state’s claim to sovereignty. It is arguable, however, that there are two types of humanitarian intervention in which the question of right authority is not important: (1) cases when the governments have agreed to accept UN peacekeeping forces in the context of a cease-fire agreement, and (2) cases of so-called failed states. A failed state is commonly regarded as one in which no effective state government exists; thus, there is no sovereignty to breach (Zartman 1994). If state authority has collapsed, intervention is increasingly looked upon as legitimate (Hopkinson 1993:7; Lyons and Mastanduno 1995:264). There remain questions about how to shape long-term responses to state failure (Helman and Ratner 1992–1993) and controversies about unilateral responses such as Ali Sadeghi’s (1993) rejection of the legitimacy of the Israeli intervention into the failed state of Lebanon. Nevertheless, discussions of legitimate authority arise chiefly when
forceful intervention violates a state’s claim to sovereignty. At issue is whether a state that has not collapsed may nonetheless be illegitimate; if such is the case, it is argued that the UN Security Council can properly decide to disregard the claim to sovereignty (Wallensteen 1997:8–9). Exactly how far to push this argument is one of the central problems in the intervention debate.

The Just War tradition places sovereignty at its core. For Aquinas (1952 II-II:qu. 40), legitimate authority belonged to the prince who received it from God. Authority was a moral and theological matter. From the early fourteenth century on, however, one strand of philosophy began to argue that God chooses rulers and leaves to them the duty of just governance including becoming involved in warfare (Copleston 1993:168–173; Johnson 1975:47–48). By the end of the Middle Ages, legitimate authority belonged to the secular sovereign prince, derived not from God but from the community (Johnson 1975:7). For instance, Suárez viewed political society as “originating, essentially, in consent” (Copleston 1993:395). Grotius equated legitimate authority with legal sovereignty so that international law derived its binding force from the conduct of sovereigns and states (Franck 1995:251). By the time of these two writers—the late sixteenth and seventeenth centuries—the idea of the state was in essence that of the modern state (Skinner 1978:352), and the question of authority had changed from a moral to a legal and political matter (Johnson 1975:243).

Sovereignty has two distinct meanings that are not always kept separate (Osterud 1994:19–20). In a substantive sense, sovereignty signifies a state’s material capacity for control of intrastate affairs. Sovereignty in this definition is always a matter of degree: no state has ever been completely self-contained and able to withstand external influence. In a formal sense, sovereignty means that state authority is not subject to a higher power. Sovereignty here is not a matter of degree: the sovereign state has the right to decide matters within its own territorial jurisdiction. The norm of nonintervention is based on this formal notion of sovereignty. Both the formal notion of sovereignty and the correlative norm of noninterference have been given legal expression in international law. In the UN Charter, Article 2(4) prohibits the threat or use of force between states, and Article 2(7) prohibits UN intervention in matters essentially within a state’s jurisdiction. Exceptions arise if a state’s actions are threatening or are actually breaching the peace (Fonteyne 1974:239).

Not only states have rights; individuals do also. Human rights are firmly established in international law. As we noted earlier, the balance between these two sets of rights is a constant theme in international legal discussions of intervention. Here the international law literature parallels the legitimate authority part of the Just War framework. At issue is the extent and the source of an actor’s authority to override a state’s sovereignty in order to protect its citizens’ human rights.

To organize this debate, Jack Donnelly (1995) suggests three models of the normative status of sovereignty. These models differ in their views on the relative importance of state rights versus human rights, on who has the authority to protect human rights, and on how the international system should be conceived. The typology corresponds with Martin Wight’s (1994) three traditions of international theory.

The first model (Donnelly 1995:120–121) is statism, similar to what Wight calls “the Machiavellian tradition.” In this model, human rights are in principle the responsibility of the sovereign nation-state; accordingly, there is no general right to intervene. Kelly Kate Pease and David Forsythe (1993:314) argue that, despite “a revolution concerning human rights in terms of legal theory and diplomatic practice,” state sovereignty still takes precedence. Likewise for Stephen Krasner
(1995, 1995–1996), the world system has not changed fundamentally and statism remains the most accurate model of world politics. There is nothing new in stronger states coercing weaker states. Violations of the principles of autonomy and sovereignty are an enduring characteristic of international politics. When intervention occurs, it is about power, not a concern for human rights, democracy, or other liberal values; the basis for intervention lies in the ability and the wish to intervene, not in a right to do so.

This model of legitimate authority is conservative and leads to an impassivity in the humanitarian intervention debate. It is bound to be uncongenial to those who feel a moral empathy with the victims of war and large-scale human rights abuses, because such a model contains an argument not only against particular kinds of actions but against fellow feeling for humankind. Influential though this statism model has been, it does not really take part in the humanitarian intervention debate but rejects its terms. What, then, are the alternatives to statism?

Donnelly’s (1995:121) second model is internationalism, which corresponds to Wight’s Grotian tradition in international theory. This approach acknowledges the centrality of states and sovereignty but stresses the international social practices that regulate interstate relations. For internationalists, if intervention is authorized by the society of states, it is permissible. Donnelly places himself within this perspective, arguing that the statist model was accurate prior to World War II but is misleading today. As Christopher Greenwood (1993:40) has observed, “it is no longer tenable to assert that whenever a government massacres its own people or a state collapses into anarchy international law forbids military intervention altogether.” The problem is that the implementation and enforcement of international human rights norms remain almost exclusively national. Thus, the rights of states continue to take priority in the law and politics of international human rights. Both the willingness and the right of forcible intervention exist today only in “rare circumstances” (Donnelly 1995:115), a more or less statist conclusion.

That similar conclusions arise from statism and internationalism may indicate the relatively limited utility of the debate between them. Their disagreement mainly concerns how new and how deep the limits on state sovereignty are. Several writers (Berdal 1993, 1994; Donnelly 1993; Mandlebaum 1994; Farer 1996) working within the internationalist tradition have noted that there appears to be an increasing number of cases that could be classified as “rare circumstances” when intervention has been authorized by the United Nations. The first case came in 1991 when Security Council Resolution 688 demanded an end to Iraqi repression and access to Iraq for foreign humanitarian organizations. Richard Gardner (1992:25–26) quotes the United States’ UN ambassador at the time to the effect that this was the first occasion where “a significant number of governments” denied a state’s right to “the sovereign exercise of butchery.” This view reflects the observation that the norm of nonintervention cannot protect genocidal and other practices that are themselves proscribed by international law and treaties, and that the Genocide Convention establishes a right of forcible humanitarian intervention with UN authorization (Scheffer 1992:10).

The Genocide Convention does not, however, cover all cases. Proponents of intervention, therefore, often explore the extent to which massive human rights abuse constitutes a threat to the peace, an actual breach of it, or an act of aggression. If any of these conditions are viewed to be present, it could legitimately trigger forcible intervention. David Scheffer (1992) argues that refugee flows and the prospect of conflict spilling over international borders mean that massive violations of human rights and internal conflicts inevitably have an impact on regional and international security. As a result, “large-scale humanitarian crises” are “presumptive
threats to international peace and security” (Scheffer 1992:8). Discussing Iraq, Gardner (1992) agrees that a threat to international peace and security can probably be found in large-scale repression and certainly in genocide. He emphasizes, however, that this fact does not imply that the UN Security Council will necessarily authorize military intervention in a country on human rights grounds alone.

Equating genocide or other kinds of large-scale violence with threats to international peace and security is an understandable resort to a highly dubious argument for justifying humanitarian intervention. Among the many objections, two are particularly cogent. The first, which we shall encounter again below, is the “if . . . why not” argument: if Iraq, why not Iran? If Bosnia, why not Indonesia? And so on. In principle, if not in practice, that objection could be answered—though not conclusively—by claiming a willingness to authorize interventions against every regime utilizing mass murder and in every large civil war. The second objection is harder to shrug off: what happens when genocide or war has become part of the international scenery, as in Indonesia or Angola, for example? In these and other cases, deadly warfare or brutal repression threatens no other state and is part of the regional order rather than a threat to it. Indeed, one could argue that intervention is likely to threaten regional order. The internationalism model leaves us with a set of unanswered, and perhaps unanswerable, questions.

Donnelly’s (1995:121) third model is cosmopolitanism, which corresponds to Wight’s Kantianism. In this model, the international system is seen as consisting of individuals rather than states. States have rights only if they promote the rights and welfare of their citizens (McCarthy 1993). In this perspective, sovereignty is beside the point: the real issue is how to meet the needs of the world’s citizens (Pastor 1993). Accordingly, when massive human rights abuse occurs, the burden of proof lies on those who argue for nonintervention.

Against the classic view that the state “has the ultimate legal right to say what should be done within its jurisdiction” (Pease and Forsythe 1993:291), Michael Reisman (1990:869) proposes that the sovereignty protected by international law “is the people’s sovereignty rather than the sovereign’s sovereignty.” He traces this idea to the American Revolution, which established “the concept of the popular will as the theoretical and operational source of political authority” (Reisman 1990:867). In other words, the norm of sovereignty can be violated not only by outside powers but also by indigenous use of force. From this perspective, the 1989 Tiananmen Square massacre violated Chinese sovereignty just as the Ceausescu dictatorship violated Romanian sovereignty (Reisman 1990:872). These statements echo the argument of Aquinas some seven centuries earlier: sedition is a mortal sin so overthrowing a tyrannical government is not sedition because that government is unjust. “Indeed, it is the tyrant, rather, that is guilty of sedition” (Aquinas 1952:II-II, qu. 42).

If the norm of sovereignty can be violated equally by domestic or outside forces, logic would dictate that it can be restored equally well by international or domestic powers. This conclusion provides a legal justification for action against pariah states such as apartheid South Africa (Hoffman 1993). Extending this logic would seem to make interventionism legal. But even if we accept this logical extension, an important question remains unanswered: who or what is the authorized agent of intervention? If the agent is the “international community” (i.e., the United Nations) an acknowledgment must be made that this community includes potential targets of cosmopolitan interventionism. If the United Nations is unlikely to sponsor rampant interventionism, the alternative seems to be to accept a narrower basis for multilateral actions (e.g., the North Atlantic Treaty Organization or the European Union) or even endorse unilateral action. It appears improbable that
such a position can be justified without abandoning cosmopolitanism and, effectively, falling back on realist, state-centric conceptions. It is this unsolved conundrum that has produced the current debate.

An oddity worth noting is that the debate over the legitimate basis for authorizing humanitarian intervention in the 1990s has advanced little beyond what the Just War tradition had managed by the sixteenth and seventeenth centuries. Thomas More (1516 [1965:109]) depicted the attitudes toward war of the inhabitants of Utopia in terms that unashamedly reject respect for other states’ sovereignty:

They hardly ever go to war, except in self-defense, to repel invaders from friendly territory, or to liberate the victims of dictatorship—which they do in a spirit of humanity, just because they feel sorry for them.

Suárez (1621:disp XIII [1944:817]) acknowledged the right and duty to provide assistance when it was both requested and just, but rejected a general right or duty to intervene, arguing:

The assertion made by some writers that sovereign kings have power of avenging injuries done in any part of the world is entirely false and throws into confusion all the orderly distinctions of jurisdiction.

The debate seems poised between these two positions even now. The argument against an unqualified right of nonintervention is neither the same as, nor automatically the prelude to, an unqualified right to intervene (Semb 1992).

There may be no ultimately satisfactory general answer to the question of legitimate authority. The Just War tradition’s inclination against binding principles leads us to expect different answers from case to case. For humanitarian intervention, the legitimate authority criterion can be regarded as responsive to the other criteria. The more glaring the injustice to be remedied, the less clear the authority may need to be; conversely, the more there are alternatives to the use of force, the more solidly grounded the authority for intervention must be. More focus on the agents of intervention rather than the targets may also be worthwhile. It would take the emphasis off sovereignty and place it squarely on the nature of the authority—both its extent and its limits. Such an emphasis would make possible a discussion of how to institutionalize constraints on big states’ power so as to keep them from exploiting intervention opportunities for reasons of self-interest—an issue to which we return in the next two sections of this essay.

**Just Cause**

The second of the three basic conditions established by Aquinas for justice in the resort to the use of force is that there must be a just cause. The right to self-defense is the most widely accepted reason for using military power. It is embodied in Article 51 of the UN Charter. Indeed, it is the only reason permitted in contemporary international law for the use of force (Johnson 1984:19) and the only one acknowledged by some current writers on Just War (Johnson 1996). Self-defense as the only reason for just cause, however, does not correspond with the logic of scholars such as Augustine and Aquinas.

The classical tradition approved of four reasons for resorting to the use of force: self-defense, defense of allies, taking back (or helping allies to take back) what was lost in a previous war, or punishing a transgression. These four conditions have been expressed as one by Vitoria (1557 [1991:303]): “The sole and only just cause for waging war is when harm has been inflicted.” Much of the classical argument was explicitly theological. Given medieval religious definitions of evil, Fredrick Russell (1975:19) inferred that “not only illegal but also immoral or
sacrilegious acts were punishable.” Once secularized, this argument becomes relevant, for example, to the case of the punishment of war crimes in Bosnia and Rwanda: other things being equal, if outside humanitarian intervention were justified so also would international action to subject alleged war criminals to the judicial process. Viewed differently, this version of the argument indicates that ethical concepts of justice reach further than legal concepts of justice.

Beyond punishment for a transgression, the classical tradition stresses defense of the innocent as a just cause. From a theological perspective, defense of the innocent is a higher good than self-defense. The Christian, after all, should not place too much emphasis on this earthly life; to kill in self-defense might be an act of arrogance as well as violence and, thus, be sinful on at least two counts. Augustine (1994:11) argued that “the law is not just which allows a traveler to kill a robber in order to avoid being killed by him.” Helping one’s neighbor is a repeatedly stated and easily understood duty. Thus, the moral superiority of defense of another over self-defense expresses two basic principles (Augustine 427:XIX, 14 [1984:873]): the rule “to do no harm to anyone” supports a nonviolent response to violence against oneself, while the rule “to help everyone whenever possible” permits violence in defense of others (Miller 1991:19).

These proposals match a central theme in the intervention literature: the debate on whether there is not only a right but a duty to intervene militarily into armed conflicts. For Michael Walzer (1977:55), international aggression is a crime because it contravenes the community’s most important rights: “the right of a nation or a people not to be invaded derives from the common life its members have made on this piece of land.” Drawing on a little-known article by John Stuart Mill, Walzer (1977:88) interprets the right of self-determination as:

> the right of a people “to become free by their own efforts” if they can, and non-intervention is the principle guaranteeing that their success will not be impeded or their failure prevented by the intrusions of an alien power.

In other words, people must help themselves to their own freedom, and with such freedom comes the principle of nonintervention. Walzer (1977:101), however, qualifies this latter principle for cases where the appeal to self-help is not very attractive, saying “when a government turns savagely upon its own people, we must doubt the very existence of a political community to which the idea of self-determination might apply.” Thus, humanitarian intervention is justified when it is directed against actions that contravene the moral convictions of ordinary people.

Walzer’s argument has been criticized as a potentially indiscriminate mandate for intervention because of the difficulty of distinguishing between tolerable and intolerable abuses (Laberge 1995). A further problem centers around the need to define nation and what is involved in national self-determination. Benedict Anderson’s (1991:5–6) celebrated definition of the nation as “an imagined community” is more elegant but no less pragmatic than Hugh Seton-Watson’s (1977:5) summing up of a lifetime of study with: “All I can find to say is that a nation exists when a significant number of people in a community consider themselves to form a nation, or behave as if they formed one.” The right to self-determination, therefore, becomes centered on the need to define the term “self” in a way that does not blindly legitimize endless ethnonationalist conflicts.

Alain Destexhe (1994–1995) takes a different route in getting at the duty to intervene. His argument is not based on self-determination, but starts from the belief that genocide is a crime against humanity. It, therefore, creates a moral responsibility for an outside power to intervene. Taking the case of Rwanda, Destexhe argues that the United Nations should have intervened and taken sides against the former government. A parallel argument has been made about Bosnia
For these writers, neither inaction nor neutrality can be justified in the face of such egregious crimes.

In Just War terminology, genocide is just cause for intervention; some writers say the same about nongenocidal but nonetheless massive violations of human rights. The intervention literature reveals wide agreement that human rights give rise to claims upon foreigners and that rights violations are a valid reason for intervention. There is, however, disagreement about how far this claim goes. Destexhe (1994–1995) and Raymond Plant (1993) hold that human rights abuses not only provide moral permission to intervene, but also a moral responsibility. Others are reluctant to take this extra step. Stanley Hoffmann (1995–1996) starts with a presumption against intervention and then permits exceptions; like Tony Smith’s (1994) case for the specific U.S. right to intervene in Cuba and Haiti, the right to intervene does not extend into a duty. David Fisher (1994:56–58) sees a right to intervene against major human rights abuses, but argues that whether a categorical duty to intervene exists depends on if the good likely to result from intervention exceeds the harm that will be done.

A further perspective on the just cause issue comes out of the literature on virtue ethics. This perspective is more concerned with characters, dispositions, and intentions than are arguments based on rights. Whereas the latter are often focused on concepts of action, virtue ethics are usually described as agent-centered. It can be argued that there are good grounds for identifying the Just War tradition primarily as an outgrowth of considerations of virtue (Syse and Fixdal 1998). Edward Luttwak (1995) has provided an example of this type of argument for intervention in his urging that the United States should not remain passive in cases of aggression fraught with atrocities because it is harmful to the population’s self-respect and moral character. Leslie Gelb (1995:6) makes a similar argument: “If democratic leaders turn away from genocide or merely pretend to combat it, their citizens will drink the hypocrisy and sink into cynicism.” A different version of virtue ethics is found in the proposal by James Mayal (1993), drawing on Mill (1859), that the international community had a duty to help the Iraqi Kurds in 1991 because they had encouraged the Kurdish uprising and were partly responsible for the ensuing tragedy. The advantage of a virtue-ethical approach is that it takes into account the context within which the action takes place (Paskins 1993); the problem with the approach is that the virtues we find laudable for individuals (like self-sacrifice, endurance of suffering, and generosity) could be seen as irresponsible in a state (Vincent and Wilson 1993).

In contrast to virtue ethics, consequentialist arguments propose that outside powers should intervene if doing so creates better outcomes than would otherwise occur. These arguments come in two versions, focusing either (1) on the good outcome for the target of the intervention or (2) on the good consequences for the state initiating the intervention. We return below to the consequences for the target. In evaluating the consequences for the intervening state, the issue becomes how to define its interests. Robert Rotberg (1996), for example, advances that the U.S. intervention into Haiti was right because it served the American interests of promoting democracy, order, and peace. Likewise, Chester Crocker (1995) proposes that the concept of national interest should include global order and global standards such as avoiding genocide. Indeed, this position has grown increasingly popular. For advocates of humanitarian intervention, there is a tactical attraction to an argument based on self-interest. As Andrew Kohut and Robert Toth (1994) have reported, the U.S. public is inclined to support military action if these actions
are in the service of vital interests or when they do not involve a risk of protracted conflict. The CNN effect notwithstanding, it seems that U.S. public opinion is cautious and self-interested with regard to intervention (Jentleson and Britton 1998). At least in the short term, interventionists do well to play to these concerns.

A radically different conception of self-interest comes into play when we look at John Rawls’s (1972) theory of justice, one of the most influential theories on the social contract. This theory argues that intervention is not only a right but a duty. It is essentially a procedural theory of justice in which the fundamental elements are liberty and equality of opportunity. Rawls (1993) himself has formulated an extension of his theory to the law of nations (cf. Paden 1997 though). The internationalized version has, to date, been only marginally discussed in the intervention literature but might prove useful. Rawls’s original version is mainly concerned with establishing principles of justice within self-sufficient, independent societies. The theoretical approach involves an act of imagination to bring people together to establish rules of fairness behind a veil of ignorance. We imagine what principles of justice people would want if they did not know their own social position. When faced with such ignorance, people tend to follow self-interest that can be universalized because the interest of the self equals the interest of all: thus, self-interest does not mean bias. In the internationalized version of his theory, after the rules regarding justice within societies have been established, representatives from these nations can meet to discuss principles of international law. The assumption is made that these representatives would agree on principles that are analogous to the equal rights of citizens under constitutional government. As a consequence, Rawls argues that the representatives will agree on the sovereign equality of states and the principles of nonintervention and self-defense. Consider, however, what might happen if we vary this exercise somewhat (see Laberge 1995): what if the representatives were told that some of them are from unjust states? Then a strict principle of nonintervention would probably not be endorsed because the representatives will realize that they might be citizens of tyrannical states who will hope that they can be liberated by outside intervention. By this reasoning, an international system of justice based on universalizable self-interest would support a contingent duty to intervene.

Many of the arguments in favor of intervention are characterized by what might be called “moral anger.” Their driving force is outrage at genocide or massive human rights abuse and at the prolonged debate over intervention. This anger has been particularly prevalent with regard to Bosnia. David Rieff (1994, 1995a) went so far as to accuse the United Nations of complicity in genocide and drew the lesson for the Bosnians that they must never rely on Europe for anything. What fires up Rieff is the discrepancy between rhetoric and action. In his eyes, the West simply stood by while the slaughter took place. Yet, he (Rieff 1995b) repeatedly remarks that although he thought the West should do something, neither he nor his fellow critics in the press corps in Bosnia knew what the West should do. The traditional UN peacekeeping approach was clearly ill-suited to being implemented in the middle of the war (Caplan 1996:35), but better options were far from clear (Owen 1995). It was not evident that more forceful intervention could be carried out with acceptable risks or better results. Indeed, even after the initial intervention opened the diplomatic road to the November 1995 Dayton peace accord that brought an end to the war, there remained grounds for doubt about the appropriateness of the use of intervention. That fighting and killing stopped was an unqualified gain from Dayton, but nobody could pretend that the resulting situation embodied justice. The best that could be said was that the task of peace was unfinished (International Commission on the Balkans 1996).
Moral anger tends to lead to strong condemnation contravening the spirit of relative justice (Miller 1991:13-15). A further shortcoming is that it pinpoints a problem but does not necessarily advance a solution. This dilemma highlights an important, and often unnoticed, element of the just cause part of the Just War tradition. In writing about just cause, whether implicitly, as in most of the intervention literature, or explicitly, the emphasis tends to fall on the reasons for or against intervention based on the situation or conditions in the country in question. Genocide in Bosnia or Rwanda is taken as the basis for a statement of just cause. Yet, it is a matter of simple logic that an action based on a just cause must itself be just, relevant, and effective. What is at issue in this whole debate is the justice of an action and the justice of the goal. Much of the intervention debate ignores this fact because it is short-term: that is, how to deal with an immediate problem. Viewing intervention from a long-term perspective, it is important to prevent a return to war by means of social rehabilitation (Moore 1996). Chaim Kaufmann (1996) argues that this long-term goal is impossible in complex ethnic conflicts; he, therefore, proposes that the aim of intervention should not be peace but safety—the introduction of some physical separation between the warring communities. That is, the objective would be the enforced movement of populations, also known as ethnic cleansing—a sharp reminder that not only the situation to be remedied but also the remedy itself must be submitted to the test of just cause. At the same time, this argument illustrates why moral anger cannot itself furnish a sense of just cause.

As indicated earlier, we have an underlying ethical preference for thinking in terms of duties rather than rights. Such a choice leads us to a position that must be regarded as somewhat eccentric in the debate on humanitarian intervention. The Just War concept of just cause appears to us to lean in favor of a contingent duty to intervene but against the idea of a right to intervene. The point is that there should be a basic reluctance to use force. In deciding to conquer this reluctance, the UN Security Council’s members should not do so out of a sense that they are exercising their rights. Right is still too close to might, and exercising rights is too close to exercising power. Intervention should happen because it has to, because there is an identifiable human duty to do so. Our view is grounded both in the concept of just cause and in the idea of right intention to which we now turn.

Right Intention

The last of the three basic conditions established by Aquinas as the major criteria for achieving justice in the resort to using force is that any action must be accompanied by the right intention. Whereas the criterion of just cause is based on assessing and appropriately responding to a situation that gives rise to injury, the criterion of right intention concerns motives. Most writers in the Just War tradition follow Augustine (427:XIX, 12 [1984:866-868]) in arguing that peace is the natural aim of humankind and animals, even monsters, robbers, and tyrants. The peace sought by the virtuous is a just peace (Augustine 427:XIX, 12 [1972:869]):

It comes to this, then: a man who has learned to prefer right to wrong and the rightly ordered to the perverted sees that the peace of the unjust, compared to the peace of the just, is not worthy even of the name of peace.

Accordingly, the motive for a decision to act on a just cause should be the creation of a just peace. Such a position excludes, among other things, self-interested motives like profit, power, and glory.

The historical place of the criterion of right intention must be understood primarily in religious terms. At stake is the health of the soul and the prospects for
eternal life. Motives are important even if other people cannot know what you think or the real reason that you act the way you do and even if one ruler cannot know why another acted thusly. Other people may not know, but nothing is hidden from the deity. Therefore, you must not only act well but mean well.

Given this firm foundation in theological reasoning, it may be a surprise to learn that the criterion of right intention fits neatly into the debate on humanitarian intervention. A secular version of the same reasoning finds that the emphasis in the Just War tradition on right intention makes it unethical to have ulterior motives behind the decision to resort to force. Consider the widespread unhappiness with, and outright condemnation of, the French intervention in Rwanda in 1994 because it was seen as motivated not by humanitarian concerns but by a continued desire to play the great power game in Central Africa. Two years later, it was an open secret in UN circles that prospects for intervention in Eastern Zaire were weakened in part as a result of the French government's insistence on being involved, regarded by everyone as hardly an act of pure generosity.

The way to identify ulterior motives is, in part, by observing discrepancies between rhetoric and action, by finding—usually retrospectively—a record of plans and arguments that discredits the official, publicly stated version. It is not, however, the discrepancies themselves that are the problem. There may be good reasons for stating one thing in public while planning another—to deceive a ruthless adversary, for example, and to gain the element of surprise so that military action causes fewer casualties. At worst, the discrepancies themselves are proof only of lies or hypocrisy. They may, however, be a means of discovering the underlying problem: whether or not the real motive behind an ostensibly humanitarian intervention is based on self-interest. It is this unacceptable motive that is the object of our attention, not the lie.

A lot of attention is paid to motives in the humanitarian intervention literature. Reasons for this attention, however, differ. For example, Adam Roberts (1994b) sees inconsistent and unclear statements of the motives for an intervention as damaging to its legitimacy and ultimately its effectiveness. If one accepts the general right to intervene, there is a danger that this right may serve as a cover for other motives such as the national interest. Several scholars (e.g., Scheffer 1992; Donnelly 1993; Leifer 1993; Sweeney 1996) have suggested that many developing countries defend the principle of nonintervention as a bulwark against power plays disguised as humanitarian action. Consider the case of Vietnam's intervention into Kampuchea; Michael Leifer (1993) finds that the motive for intervention was not to end the Khmer Rouge's massacres but to prevent further cross-border incursions. John Sweeney (1996) makes a similar argument about the Clinton administration's incursion into Haiti, proposing that the administration's goals were related to short-term political considerations within the United States not conditions in Haiti. Jarat Chopra and Thomas Weiss (1992:112–113) point out that "the fact that in the present international system those with the resources to intervene are former colonial powers or large and traditionally obtrusive neighbors does not facilitate discussion." They (Chopra and Weiss 1992:116) conclude by advancing that "humanitarianism cannot be used to justify unacceptable and self-interested interventions."

Legal codification of the principles of humanitarian intervention brings us once more to the problem of the incoherence of the international legal order (Navari 1993) and the inconsistent as well as arbitrary judgments that result. Inconsistency and selectivity characterize the recent practice of humanitarian intervention and highlight the question of motives. Why did the international community intervene in Bosnia, but not in other war-torn countries? This type of
selectivity undermines the claims that the motivation driving the intervention is humanitarian. This issue is ethical to begin with, potentially legal if an effort is made to codify humanitarian intervention into international law, and directly political, strategic, and operational. The 1990s record of inconsistency and selectivity should lead us to address the difficult problems of priorities, of the relative scale of different tragedies, and of the comparative importance of solving the dilemmas that gave rise to war. The UN Security Council and the great powers do not have the resources to do everything: on what basis will they decide which of the several pressing problems to confront? This question challenges us to consider the perspective from which the decision to intervene or not to intervene is taken. Fouad Ajami (1996) angrily criticizes Boutros Boutros-Ghali for making the following unsympathetic statement in 1992 in Sarajevo: “You have a situation [here] which is better than ten other places all over the world.” Although tactless and unfeeling, there was more than a little truth in this remark. As Stephen John Stedman (1992-1993:14) has observed: “if humanitarian concerns—measured by deaths and genocidal campaigns—were the justification for military interventions, Bosnia would rank below Sudan, Liberia, and East Timor.”

Whereas Richard Betts (1994:31) argues that “most international interventions since the end of the Cold War were not driven by the material interests of the outside powers but by their moral interests: security, peace, and justice,” Stedman (1992-1993) observes that the inconsistency and selectivity of the Western record of intervention make it impossible to know what the real motivation for them was. As a result, “even well-intended international actors” are left “variously open to charges of hypocrisy, cowardice, neglect, or self-interest (Stedman 1992-1993:9). Indeed, the international community’s preference for some large-scale tragedies over others leads some commentators (e.g., Clark 1992-1993) to suggest that there are important weaknesses in the United Nations system and in humanitarian intervention in general.

One element of right intention has largely been buried in the intervention debate and needs to be disinterred. The literature often has recourse to the concept of ulterior motive—or wrong intention—but very rarely goes into much detail about what constitutes an acceptable motive. This lack of attention is parallel to the relative inattention to objectives that we noted at the conclusion of our discussion of just cause. It seems self-evident to some (Moore 1996; Carnegie Commission on Preventing Deadly Conflicts 1997) that, depending on the circumstances, the intentions behind interventions should be to end hostilities, to maintain the peace, to restore or create viable and just social and political structures, and to do as much as possible to ensure no future outbreak of hostilities. Boutros-Ghali (1992) organized this set of intentions into a sequenced discussion that focused on preventive diplomacy, peacemaking (including peace enforcement), peacebuilding, and peacekeeping. Since 1992 there has been relatively little further elaboration of the meaning of these goals, except that preventive deployment—or early action—has largely replaced the term preventive diplomacy. The reasons for this stasis are hard to fathom. We know that it is sometimes challenging to formulate a specific expression of a general concept amid the confusion of fast-paced events, but in principle it is not difficult to give meaning to such terms in concrete circumstances. There is no shortage of detailed policy proposals even in extremely complex situations such as the Balkans (e.g., International Commission on the Balkans 1996). An important task for future ethical inquiry is to give content to the notion of acceptable motive. We need to give the concept of acceptable motive as much clarity and content as has been done for the definition of what constitutes an unacceptable motive.
Last Resort

The criterion of last resort states that the use of force should be employed only when alternative means are not available. There is no consensus within the Just War literature on whether this criterion implies that alternative ways of achieving the objective must have been tried in practice and failed. For instance, James Childress (1992:358-359) notes that all possible measures do not have to be attempted or exhausted unless there is reasonable expectation that they will be successful. These are the kinds of arguments—although without explicit reference to the Just War tradition—that surfaced in 1991 with regard to whether the United States–led coalition was justified in going to war against Iraq and again in 1998 over proposed U.S. strikes on Iraq. Both times, the question was whether other means—sanctions in 1991, diplomacy in 1998—had to be tried first.

This criterion is both moral and prudential. That the use of force should be a last resort is, first and foremost, an ethical imperative. The Just War tradition is concerned with setting moral limits on war and warfare because the use of force will have harmful consequences even if it can also have good consequences. The use of force may sometimes be necessary and, therefore, morally justifiable, but if a just cause can be achieved by nonviolent methods, the party has a moral obligation to prefer these means (Miller 1991:14). Prudential considerations may also argue in favor of using military power only as a last resort. If, for example, diplomatic efforts can achieve the objective just as quickly or efficiently, or if a delay in achieving the objective does not have a damaging effect, there is no reason to implement costly military operations. At the least, the inclination should be to give nonviolent options a chance.

Not all writers agree, however, that prudential and moral considerations speak in favor of using intervention only as a last resort. A number of analysts (Destexhe 1994–1995:16; Sharp 1994; Lund 1996; Carnegie Commission on Preventing Deadly Conflicts 1997) have argued that outside intervention should come earlier rather than later in a conflict. Indeed, commentators and scholars seem to have increasingly accepted the importance of acting early. In Rwanda, Destexhe (1994–1995) claims that an early intervention not only would have saved lives but also money. It is hard to make the counterargument stick; the fact that prevention is better than cure is both intuitive and a cliche. One of the major reasons given for early, preventive action is that it makes the use of armed force less likely (Lund 1996). Against this, the Carnegie Commission on Preventing Deadly Conflicts (1997) acknowledges that in some circumstances military action may be the most effective option and perhaps the only way of preventing the escalation of conflict. At issue is when in the normal cycle of conflict can outside intervention be most effective. If the intervention comes too late in the conflict, opposing positions have hardened and intervention is unlikely to be effective. And given that ineffective interventions can raise the expectations on one side while diminishing the other side’s respect for the intervening state or states, they can end by prolonging conflict. Then they may be worse than no intervention at all: “if intervention is called for, and is just, it had better come early rather than late” (Sharp 1994:55).

The inevitable conclusion from this discussion is that armed intervention can be legitimate whether or not other options have been tried.

It follows from this logic that early action has to be forceful enough to be decisive, and also that the decision to act early has to be backed by the willingness to go all the way. One could argue, for example, that the United Nations did act early in Bosnia; the decision to put the UN headquarters in Sarajevo was made before the war in Bosnia began. That early action was intended to demonstrate the determination of the organization to prevent war from spreading from Croatia to
Bosnia. When that determination was put to the test, however, it was found wanting (Gow 1997). The UN forces in place were there for peacekeeping not warfighting (Caplan 1996). They could not deter through coercion nor coerce through deterrence (Solli 1997). Thus, the United Nations acted early but ineffectively; its action was neither decisive nor, until three years later, backed by a willingness to use the force needed to deal with the situation (Sharp 1997).

Although early action may preclude the use of force, this result is not inevitable. It may only be the first step along the road toward a long-term military commitment. This fear has led political leaders to be more cautious than many commentators and scholars about the merits of preventive intervention; Stephen John Stedman (1995) is the rare skeptical exception among scholars. There is a difference between long-term social, political, and economic preventive measures that take violent conflict off a country’s or region’s agenda and shorter-term, more direct economic, political, and military measures that are possible when there is an identifiable risk of escalation (Clément 1997). Those measures more suitable to the long-term can be integrated into the economic and political planning of, for example, the European Union or the United States. Shorter-term measures have to be drawn up amid the uncertainty of a looming crisis, at a time when decision makers’ agendas are already crowded. It is not surprising that the potential costs of such actions seem more dominant than the benefits; caution becomes the order of the day.

In considering this criterion sovereignty again becomes an issue. Although interventions have increased, Kalypso Nicolaïdis (1996:24) has pointed out that the following rule has emerged in practice: “state sovereignty can be partially bypassed only as a state stops fulfilling the basic responsibilities and functions that go along with sovereignty.” But both preventive and early action are based on stepping in before the crisis has reached its peak, before the state has collapsed, before the worst abuses of human rights, and before genocide. Early action is founded on foreknowledge. If the idea of humanitarian intervention challenges the political norm of state sovereignty, acting preventively or even just early merely sharpens this challenge.

In the end it would be a mistake to place discussion of the last-resort criterion into the debate over the merits of early action. The point of the last-resort criterion is not strictly chronological. The medieval literature makes clear that when a kingdom is attacked its ruler should try to negotiate, but does not imply that he should suspend military preparations while he tries to bargain. By contrast, there is little debate about arguing that the aggrieved side has just cause to mount a war of self-defense and punishment if the aggressor will not completely back down from unjust action. The proper meaning of the last-resort criterion seems to be to underline the importance of being reluctant to resort to arms; such a decision should not be taken lightly. Other avenues should be explored or, at the least, contemplated.

Proportionality and Reasonable Hope

Because the criteria of proportionality and reasonable hope are closely connected, we have chosen to discuss them together. That the resort to force must be proportional means that interventions must do more good than harm. To make such a determination, one needs to assess the likely consequences of sending troops into another country. The criterion of reasonable hope asks whether there are reasonable grounds for believing that the cause can be achieved. Will the resort to force help to achieve the objective? There can, however, be no discussion of the
likelihood of success of an intervention without having specified ahead of time what the target of the operation is.

Like the criterion of last resort, these two criteria have both a moral and prudential basis. Proportionality here is grounded in consequentialist moral theory that holds an action is just if it produces a surplus of good over harm—taking all affected parties into consideration. This statement is also the basis of utilitarian morality. Moreover, proportionality has a prudential component: given that the reason for a just war is to achieve a just cause and promote just peace, doing more harm than good is a waste of resources and time and will probably cause a loss of political prestige. That military actions should have a reasonable hope of success can be justified by arguing that a military commander neglects his moral responsibility if he squanders his troops’ lives in a lost cause (Smith 1997:27). Such action is also imprudent, wasting not only people but material and financial resources as well as time and political legitimacy.

The question of proportionality enters into the debate on humanitarian intervention in a variety of ways, beginning with the argument that a proposed intervention must be judged on the basis of its overall consequences. For example, without referring to the Just War tradition by name, Nicholas Hopkinson (1993:9) states that “[an operation] should be proportionate in the sense that it should not cause more damage and harm than caused by the situation it intends to correct.” In other words, “is a proposed operation likely to be effective at an acceptable cost to those who will bear the burden of intervention” (Crocker 1995:8)? Although Guenter Levy (1993:624) conceded that there will always be uncertainties connected with making such calculations, he observed that “even a good cause is not worth any price”—an argument that encapsulates the consequentialist approach. Adam Roberts (1994a:109) sums up all these considerations in his tough-minded conclusion that “there is sometimes a case for deciding not to tackle a problem, even if it is serious.”

The key question posed by the concept of proportionality is that of scale. Arguments about intervention often dispute the size of canvas on which the picture of an action and its consequences should be painted. For instance, Sharp (1994:53) places her argument on a deliberately large canvas when she depicts nonintervention into Bosnia as having led to disastrous effects, including not only enormous loss of life and material destruction of the country itself but also the “unleashing [of] an increasingly radicalized Muslim diaspora and setting an example to other rogue nations that might is right and genocide pays.” There is no easy way to assess such broad-scale arguments in a way commensurate with the question of lives lost, damage done, or even money spent. It is, however, both legitimate and necessary to bring both kinds of arguments into determining the criterion of proportionality.

Postoperational evaluations of intervention are bound to be consequentialist and, thus, automatically do what the criterion of proportionality asks us to do. Compare, for example, Robert Rotberg’s (1996:136) argument that the 1994 U.S.-UN intervention into Haiti was the right choice because Haiti “is a much better and more livable place than it was” with Sweeney’s (1996:150–151) contention that Haiti is almost as bad after the intervention as it was before—“for its $2 billion investment in Haitian nation-building, all the administration has gotten in return is a listless election perpetuating Aristide’s power.” Another set of disparate positions is found on Somalia. Crocker (1995) concludes that the benefits of the intervention to the Somalis outweighed the effect of the many errors and mishaps. By contrast, Paul Wolfowitz (1994) has argued that the U.S. intervention ended in a fiasco because of the misguided decision to put U.S. troops into combat against Somali clans.
These contrasting views reveal a basic problem with the consequentialist arguments. It is difficult to measure the good and bad consequences of an action in a complex situation, when full information is not available, and when the bad to be avoided is, by definition, more a matter of speculation than calculation. This problem is by no means unique to consequentialism in an intervention setting, but it is striking how often the literature on intervention implies that it can be solved. Such may be the case because commentators and scholars writing in this literature have adopted the quantifiable discourse of the U.S. military. This literature might be better served by acknowledging that some aspects of the debate about proportionality can be resolved only retrospectively and that others (e.g., how much evil was avoided) cannot be resolved even retrospectively except through the use of counterfactual history. Once the areas of uncertainty are, thus, identified, the ethical questions become clearer: they are questions regarding the amount of risk involved; they should be considered knowingly, not on the basis of false certainty.

Discussions of what in Just War terminology is reasonable hope raise the issues surrounding feasibility, the reasonableness of mandates, and political and strategic obstacles as well as assessments and explanations of failure. As Kenneth Himes (1994:101–102) has pointed out, there must be a clear political aim backed by the means necessary to achieve it. Any operation should be subjected to a “feasibility test,” including an examination of the adequacy of personnel, equipment, financial resources, domestic political support, and the degree of multilateral cooperation. Hoffmann (1995–1996) goes further and urges that those contemplating intervention determine the gap between the magnitude of the problem and collective capabilities. These questions were central features of the debate regarding whether to intervene in Bosnia between 1992 and 1995. Among the reasons given for the lack of success in Bosnia are the unwillingness to use force (Gow 1994, 1997), the unrealistic and inappropriate mandate given UN forces (Higgins 1993; Caplan 1996), and the uncoordinated and indecisive nature of the decision making—characterized by half measures and a refusal to provide the means needed to fulfill the stated ends (Freedman 1994–1995; International Commission on the Balkans 1996:74–75). The broader issue raised in these critiques concerns the legitimacy and credibility of the United Nations. Michael Barnett (1995) argues that involving the United Nations in complex peace operations is a mistake because the costs of failure are too high. Mats Berdal (1994) takes a less dramatic but related position, proposing that any calculations that are made should err on the side of caution. Marrack Goulding (1993) likewise concludes that to maintain the United Nations’ credibility the Security Council should choose to intervene only when success is likely.

Both the criteria of proportionality and reasonable hope become ways of warning against hubris. They direct attention to the size of the task that is being taken on when intervention is initiated. Indeed, these two criteria provide a way to understand the various diagnoses and prognoses related to intervention operations and act as a reminder that authority, cause, and intention are not in themselves a sufficient basis on which to decide on humanitarian intervention. To be right is not enough.

Conclusions

This essay began with the realization that the debate in the 1990s on when to use humanitarian intervention has been one in which people tend to talk past each other. The frameworks of most arguments, the language in which they are presented, and the scholarly methodologies that lie behind them do not cover more
than one or two issues related to decisions regarding intervention. Moreover, while dealing with a subject in which ethical and normative questions are central, the debate displays a lack of familiarity with ethical discourse and normative methods.

If it is correct to view humanitarian intervention as central to discussions of international security at the turn of the century, we are concerned that the international relations discipline is handling a major issue rather poorly. A problem that is in part normative and ethical must be explored on the basis of familiarity with classical concepts of ethics. We, however, also agree with the many writers who explicitly state or imply that the issue of humanitarian intervention cannot be properly addressed on the basis of ethics alone. Neither purely political concepts nor purely ethical ones suffice. Or, more precisely, the divorce of ethics from politics and the exclusion of each from the discursive framework of the other leads to a misunderstanding of humanitarian intervention and, possibly, of other issues. Linking the political and ethical could produce a more satisfactory and comprehensive debate. Such a move might also permit a rapprochement between idealism and realism, given that their differences can in part be viewed as stemming from a false polarization of ethics and politics.

In seeking a framework that is simultaneously both ethical and political for discussing decisions to resort to force, the Just War tradition seems a self-evident path to explore. We hope with this survey of its criteria in relation to the literature on humanitarian intervention to have indicated its potential value and feasibility. We cannot claim, of course, to have demonstrated the point by our own use of the framework. In this essay, we have been absorbed in relating this framework to the more general literature on intervention. Apart from referring to places where the framework has been put to use (Fisher 1994; Smith 1994, 1997; Harpviken and Fixdal 1997; Sharp 1997), we have nonetheless tried to establish our point indirectly by showing that virtually all the issues raised in the intervention debate fit within the Just War framework.

Close attention to the specifics of ethical argument demands that we are careful about proposing the use of force for any purpose, even humanitarian ones. Nevertheless, such arguments offer more support and freedom to advocates of intervention than they might realize, obviating the need for creative interpretation of what constitutes a threat to regional security or of the solidity of international law. At the same time, a working familiarity with the Just War tradition sharpens both ethical and political questions and reshapes many terms of the intervention debate. For example, one important conclusion to be drawn from applying the Just War framework to the debate on humanitarian intervention is that it is unwarranted to view self-defense as the only possible just cause for the use of force. This perspective has no basis in earlier works on the legitimate use of force and is unhelpful in trying to figure out when humanitarian intervention is an ethically justified and politically realistic course of action. Overvaluing justifications based on self-defense leads many authors into the trap of justifying intervention through intellectually questionable interpretations of events (e.g., as evident threats to regional security when they are only arguably so) and of the international system. Another example of the benefit of drawing on the Just War framework is that it can help sort out the problem of right and duty. The intervention literature has gotten itself into a tangle over this issue. The literature treats the argument that there is a right to intervene as a step on the path toward affirming a duty to intervene. The Just War tradition takes a different approach. The claim of a right to intervene concedes too many of the prerogatives of power. It is much more effective to resolve the problem by establishing a contingent duty to intervene dependent on the particular case.
We have not paid enough attention in this essay to the need to understand the Just War criteria in relation to one another as well as in relation to the specific case under consideration. Both these steps are important in future applications of the Just War framework to humanitarian intervention. Not only might the criterion focusing on legitimate authority, for instance, be different in two different interventions; in one it might be a less stringent criterion than in the other. The demand to calculate proportionality might be more demanding when the odds against success are higher (i.e., when there is less reasonable hope of success). A swift strike with a very high likelihood of success might make it defensible to shrug off concerns about sovereignty and the last resort—but only in that specific instance.

Ultimately, the reason for insisting on the relevance of the Just War tradition to the intervention debate is simply to say that there are issues the intervention literature has not addressed, not addressed well, or not addressed systematically that need to be considered. The Just War tradition represents, we contend, one credible way of reflecting on these issues—of bringing ethical and political concerns into a single discursive framework. In so doing, we may find that we are traversing the area between realism and idealism and finding there some important insights into contemporary problems in international security.

References


