38. For a good example of such an argument applied to Africa, see Howard, “Evaluating Human Rights in Africa.”


40. There are, of course, exceptions, perhaps most notably Rhoda Howard, a sociologist who has made human rights the center of her research for the past decade. Nonetheless, a perusal of the shelves of the human-rights sections of any good library will show a striking pattern: considerable scholarly work on theoretical and international issues, with the vast majority of country-specific, national-level studies being descriptive reports by international human-rights NGOs.

Michael J. Smith*

Humanitarian Intervention: An Overview of the Ethical Issues

The capacity to focus on the issue of humanitarian intervention represents what Joel Rosenthal has noted as the maturation of the field of ethics and international affairs. If nothing else, the debate surrounding this vexed issue has demonstrated that we have left behind the so-called oxymoron problem: there is no reason now to be defensive about bracketing the terms “ethics” and “international relations.” One can hardly talk about Bosnia, Rwanda, Haiti, Somalia, or any cases of possible outside intervention, without recognizing from the very beginning that ethical dilemmas abound in the way we define our goals, our interests, and the means we use to pursue them. Even Samuel P. Huntington, not usually known to be a moralist, has asserted that “it is morally unjustifiable and politically indefensible that members of the [U.S.] armed forces should be killed to prevent Somalis from killing one another.” Whether or not one agrees with that assertion (I do not), one may note that Professor Huntington speaks in terms of moral justification and regards his view of morality to be, in effect, self-evidently true. Thus even archrealists invoke morality in urging their preferred policies.

The discussion in this essay proceeds in three unequal stages. First, I present a brief and oversimple sketch of the objective and

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*This essay is adapted from opening presentations given to the Carnegie Council’s Faculty Institutes in 1996 and 1997. I have tried to retain the informal flavor of the discussion. The essay draws substantially from a joint work-in-progress with Professor Stanley Hoffmann of Harvard University.
subjective changes in the broader milieu of international relations as they relate to humanitarian intervention. Second, and more substantially, I survey and analyze the arguments justifying or opposing the notion of humanitarian intervention from realist and liberal perspectives. Finally, I offer the beginnings of my own argument and consider the enormous difficulties of undertaking humanitarian intervention with any degree of effectiveness and consistency.

The Milieu

A New International Setting

What are some of the salient changes in the contemporary international system? Perhaps symptomatic of our current confusion is the absence of consensus even on what to call this new system. Is it unipolar? Balance-of-power? A globalized economic system and regional security system? The new world order? We agree only on the term "post-Cold War" and on the idea that we have no exact model for the kind of international system in which we find ourselves. The notion of unipolarity is not terribly helpful: the apparent single "pole," the United States, has shown singular reluctance to exert its military power, and functionally and economically the international system can hardly be described as unipolar. So, while apparently appealing, unipolarity doesn't work.

Realist analysts may struggle to find some sort of balance-of-power analogue, but this too is not terribly useful. Power is not fungible in the way that many realists following E. H. Carr have treated it, and much of contemporary international relations involves the intersection of the traditional realm of security and the modern arena of economic interdependence. But even theorists who emphasize the elusiveness of power or who have reclassified kinds of power have not as yet articulated a crystallized conception of the contemporary system.¹ In general, we continue to look for ways in which the contemporary system may or may not be like the balance-of-power system of the nineteenth century, to identify what features of the Cold War system it still has, and to seek other historical models, but it is clear that we are in a system with many aspects we have never before encountered. Although nuclear weapons have not gone away, they no longer structure the international competition. We now have contending successor states within the former Soviet empire in the midst of profound political and economic transformations—transformations as yet incomplete and poorly understood. At the same time, a truly global economy now means that events in the stock markets of Seoul, Bangkok, or Hong Kong reverberate distortedly on Wall Street. In short, the model of billiard ball states combining and colliding in ways beloved of diplomatic history textbooks (and some realists) has given way to a kaleidoscope of factors including nationalism, ethnicity, and religion, as well as security and economics.

Perhaps our understanding of the international system was always over simplified: states were never billiard balls impenetrable to transnational norms, influences, and activities. But the simplifications were defensible as a way to abstract the underlying logic of a system based on discrete sovereign states. Now, with the operational sovereignty of states systemically eroded, we know that no simple model encapsulates the complex reality of contemporary international relations.

If we shift our focus to the level of state actors, we may note some broad trends that at the same time undermine and affirm the idea of national sovereignty as the constituent principle of international society. Consider first the widely noted phenomenon of so-called failed or failing states, which are breaking down as a result of their inability to establish legitimacy with any degree of certainty. In addition, there are states, like Rwanda and Burundi, or Algeria, in which conflicts appear to be endemic or imminent or both. Such conflicts seem now to have greater salience.⁴
Finally, there is the phenomenon of so-called dangerous states: states that may, like Libya or North Korea, challenge the basic tenets of the society of states; states that for various reasons seek to bring attention to themselves through outrageous actions. Such states, because of the danger they pose for other states, may indeed make intervention necessary. For example, it is certainly an open question as to whether we should tolerate the overt acquisition of nuclear weapons by North Korea. When it invaded Kuwait, Iraq provided an occasion for a traditional collective security intervention of the sort envisaged by the framers of the League of Nations Covenant and the UN Charter. As I write this essay, Saddam Hussein’s refusal to allow UN inspectors unfettered access to potential weapons sites in Iraq has triggered an international crisis. By the time it appears, we may well have seen another U.S.-led military action against Iraq.

Then there are still cases of old-fashioned aggression, and it is not inconceivable that a state might simply attack another state or help itself to another bit of territory. How dangerous are such renegade states, and what ought we do about them? The overt acquisition of territory or goods by dangerous states will continue to provide a worry for those trying to enforce some version of international order. Together, all these factors at the state level seem to guarantee that we shall have no shortage of occasions for intervention.

**A New Climate of Opinion**

Thus the objective setting of the international system is not settled, and it is perhaps emblematic of this that we still refer to it as the post–Cold War system. And subjectively, on the issue of humanitarian intervention, we have seen a change even in the brief post–Cold War period in the prevalent attitude toward this issue. For a brief time, from about 1991 to 1993, there existed a sort of Dudley Do-Right euphoria, a sense that we could solve many problems throughout the world just by the use of goodwill and the dispatching of peacekeepers wherever they might be necessary. Thomas Franck characterized the time as an “exciting moment” in which we could begin to intervene on behalf of democratic legitimacy—to create democratically legitimate states everywhere. There was indeed a large increase in the number of humanitarian operations. Since 1993, and the perceived American debacle in Somalia, the attitude toward humanitarian intervention, especially in the United States, has become decidedly more cautious. The most immediate effect of this caution, of course, was the inaction (and worse) of the international community in the face of the conflict between the Hutus and Tutsis in Rwanda. Since then the brutal war in Bosnia, the absence of any international action in the conflict in Chechnya, and a kind of collective sense of shame at the failure of the international community to prevent or arrest the slaughter of tens of thousands of innocent civilians in Rwanda have all created a new climate of wariness about the whole issue of humanitarian intervention. The puzzled and ineffectual international response to the recurring massacres of villagers in Algeria reflects this same uncertainty.

Moreover, there was always a debate about whether humanitarian intervention is legal under international law. In an incisive review of the issue, Tom Farer concludes: “States will still have to choose between compliance with formal prohibitions [against intervention] and response to urgent moral appeals.” Because international law is both “thinly institutionalized” and constantly evolving in ways that reflect emerging normative ideas, an appeal to the law itself cannot solve the underlying moral issues raised by humanitarian intervention.

But such normative consensus is yet to emerge. Even sociologically, the events that may lead to humanitarian intervention are far from clear. Morally, substantively, the issues are deeply controversial. Is humanitarian intervention a rescue operation, a quick in and quick out, leaving the basic norms of sovereignty intact,
or is it, rather, an attempt to address the underlying causes of the conflict and even to create the conditions for democracy? If the latter, then the model of going in and getting out quickly is obviously not appropriate. Even Michael Walzer, often criticized for the “statist” character of his theory in Just and Unjust Wars, has recently amended his rules for intervention. He now argues that there is an obligation to make sure the conditions that require the intervention in the first place do not simply resume once you leave.8

In terms of the subjective environment, there is some question as to whether or not international intervention for humanitarian causes is even moral. Both in the literature and in the pronouncements of leaders and actions of states, there is still a great deal of doubt and suspicion of unauthorized, unilateral intervention. This obviously reflects traditional international law and the traditional rules of a society of states. Recently, the United States has sought to gain multilateral authorization even for its unilateral actions, as was the case in Haiti and, to some extent, even in the Persian Gulf War. As Walzer suggests, there may still be situations in which autonomous unilateral intervention for humanitarian purposes is ethically justified, and certainly from the military point of view the formidable problems of command and control may be simplified when intervention is autonomous and unilateral.9 But in general it seems that the old norms of sovereignty and nonintervention are still persuasive for states—at least in their official and quasi-official pronouncements.

What about collective intervention? Traditional international law has been hostile not only to unilateral intervention in domestic affairs but also to collective, coercive action, except in cases of threats to peace, breaches of peace, and overt aggression. The founding fathers of international law have always treated the concept as suspect. The most striking recent development has been some “creative exegesis” (Farer’s phrase) on the part of international lawyers as exemplified in the willingness in the Security Council to broaden the traditional definition of threats to peace as a justification for intervention.10 Was the intervention for the Kurds the application of a new principle of humanitarian intervention on behalf of oppressed minorities? Or was it a simple extension of a classical collective security operation against Iraq? Would it even have occurred if Iraq had not invaded Kuwait? The question is not entirely rhetorical, but almost. The relief action certainly did not recognize a right of Kurdish self-determination, as the United Nations has proclaimed its respect for Iraqi territorial integrity.

Many of the recent collective interventions in weak states have occurred at the formal request of the state concerned or of all parties involved. In its attempt to restore democracy in Haiti (and of course acting mainly by approving U.S. intervention), the Organization of American States (OAS) moved into new territory by justifying collective intervention. Other UN interventions have mainly concerned emergency relief for violations of minority rights, the monitoring of elections, or more traditional-style peacekeeping missions. When the United Nations monitored elections in Nicaragua, the operation was explicitly connected to the Central American peace process rather than to concern for democracy per se or human rights. Whether Somalia and Cambodia will be exceptions or the first in a series of temporary takeovers of failed states will depend on the lessons being drawn from those two operations. So far the United Nations has resisted endorsing a general doctrine, proceeding, as is its wont, case by case. This means that the normative scene is still rather cloudy, and the extent to which we have moved beyond traditional norms is dubious. Even the definition of what constitutes threats to peace is ambiguous. Must an egregious violation of human rights that constitutes a “threat to peace” have an inescapable impact on interstate relations? Or are some violations in themselves, and virtually by definition, threats to peace? The “creative interpretation of its constitutional obligation to maintain peace and security” undertaken by the Security Council cannot by itself solve these
If all violations are defined as threats to peace, then the Security Council, in principle, could intervene in the affairs of any state; but if only violations that threaten interstate peace count, then many egregious violations (as, say, in Tibet or East Timor) could go unaddressed.

To summarize the relevance of the changes in the international milieu for humanitarian intervention: First, there is a lack of leadership and clear direction at the top of the system, either among the major states or in the institutions themselves. Former UN secretary-general Boutros Boutros-Ghali was probably out a little too far in front of the member states in his “Agenda for Peace”; his successor now labors to keep the organization financially afloat, especially in the face of U.S. recalcitrance about its debt. The activist phase of interventions, at least in official pronouncements, has receded. Second, there will continue to be occasions for humanitarian interventions, and we will continue to be faced with dilemmas of rescue, peacekeeping, and peace making, to list the problems in ascending order of difficulty. Third, there is no real consensus on when or how to intervene in these conflicts or on who should do so. And fourth, it is also fair to say that such enthusiasm as may have existed for these types of operations from 1991 to 1993 seems by now to have evaporated.

A remark by David Rieff in a recent essay that Western states favor humanitarian intervention seems now to be singularly inapposite. The United States is not about to embark on broad Wilsonian crusades. The two most recent instances of our intervention, in Haiti and Bosnia, were undertaken with evident reluctance. The title of the rather dyspeptic monograph written in 1978 by Ernst Haas, Global Evangelism Rides Again, now seems almost quaint. As we close out the 1990s, global evangelism at best limps along, led by a motley if erudite array of philosophers and human-rights advocates. More typical is the remark of the freshman Republican member of Congress who, responding to President Clinton’s belated speech justifying the Bosnian intervention, said she did not see any reason why we should be sending “our boys” to a country about which we know nothing to stop the fighting there. It is doubtful that she knew how closely she was echoing Neville Chamberlain.

So what does this say? It tells us that we are unlikely to find guidance from leaders, either of major states or of institutions. International lawyers will continue to debate whether or not interventions are legal, and the prescriptions from the political scientists will remain murky. Where does this leave us? These are serious ethical problems that cannot be ignored, and ethicists must be willing to tread where lawyers and politicians fear to go. Thus, on to the arguments about humanitarian intervention itself.

**Humanitarian Intervention**

A provocative challenge to the very terms of the debate comes from Rieff, who says that in effect humanitarian intervention is just a sop to the Western conscience and that the rich nations are using it as a way to avoid dealing with the chronic and serious issues of poverty and misgovernment in Third World states. This is a legitimate point, but I take it to be a kind of *cri de coeur* of a committed journalist who has seen some of the worst humanitarian disasters of the decade. The insight, or warning, should act only as the beginning, and not the end, of an argument. Extraordinary and excruciating dilemmas are raised by some of the situations we observe across the world, but throwing up one’s hands at the horror of it all or raining down curses on all the world does not help us to address them.

There are various ways to characterize and categorize the positions in the debate, but I have no wish to impose a complicated taxonomy here. Stanley Hoffmann—and more recently Michael Doyle—divides the theoretical approaches to the issue into realist, Marxist, and liberal varieties. One might also divide the theorists into statists, or people who look at states as the source of values, and cosmopolitans. This is the old distinction made famous some time ago by Hedley Bull in *The Anarchical Society*, where he discussed
statist and universalist cosmopolitan conceptions of justice. To
day, however, the real debate is taking place mainly between
realists and liberals.

Realist Arguments

As I have outlined elsewhere, realists, whether they reside
in academia or in the military, are traditionally hostile to any
intervention that is justified for allegedly ethical reasons. They
claim, in general, that there is a self-delusory quality to all ethical
justifications regarding state actions. That is a larger argument,
which I have tried to address elsewhere. But how does this
argument play out when it comes to humanitarian intervention?
Realists say two things that are partly incompatible. One is that
states only act when it is in their interest to do so and that therefore
when they engage in a humanitarian intervention they are really
pursuing some other agenda. They may just be worried about
prestige or image on the "soft" end of the interest calculus. Or
they may have some actual "hard" interests involved, interests that
are convenient to subsume under the category of "humanitarian."
In any case, say realists, when states intervene for allegedly humani-
tarian reasons they do not seek disinterestedly to do the right
thing; they have "real" interests at stake. However, there is also
a kind of political assertion that is slightly incompatible with this
one. It says that interventions work and are supported politically
only when they are closely connected to real interests. But if the
first assertion were true, then the second would not apply: states
would act only when their interests were really engaged. Appar-
ently states sometimes really do act in spite of the fact that their
so-called national interests are not engaged to the degree that
realists think they ought to be.

In addition to these not-quite-compatible empirical assertions
about why states act, realists also make what amounts to an ethical
argument that states are necessarily self-interested creatures and
are, by definition, unable to act in other than self-interested ways.

To expect them to do so—to support genuinely humanitarian
action—is to engage in self-delusion, error, and hypocrisy. Thus
the best, indeed most ethical, thing to do is to hold on to a more
concrete definition of interests and leave humanitarian interven-
tions to Médecins sans Frontières. Humanitarian intervention, there-
fore, is in a sense a chimera, or, as in Rieff's account, a sop to
our collective conscience. Moreover, humanitarian crusades dilute
the national purpose, say realists: Only when we recognize the
inevitably self-interested character of all our policies can we think
clearly about our interests. Realists developed this argument most
fully in their opposition to the U.S. intervention in Vietnam.
People tend to forget that some of the earliest opponents of that
intervention, which was by no means humanitarian, were realists
like Hans Morgenthau, George Kennan, and Reinhold Niebuhr,
all of whom thought that Vietnam was not a core American interest
and that we were vainly seeking to project our anticommunism
in ways quite inappropriate to the local conditions.

There is, nevertheless, a quasi-realist case for humanitarian
intervention that some have made, and that is to define interests
in terms of what Arnold Wolfers called "milieu goals." That is,
there is a realist case for structuring a more orderly international
system and paying attention to the requirements of leadership by
a great power. Realist arguments on behalf of intervention may
even invoke credibility ("No one will take us seriously as a great
power if we allow this to occur"). If the United States is to be
believed about anything it is to do, the argument goes, it cannot
allow a group of thugs in Haiti to thumb its nose at everything
it says. This is an interesting redeployment of an argument origi-
nally made in a very different context. We heard it during the
intervention in Vietnam, and we hear it recurring in debates
about how many nuclear weapons we need for what. The argument
rests on a broad definition of national interest.

In addressing national interest, one can perhaps distinguish
between imperatives and preferences, but even defining what is
imperative to a state involves deploying ethical preferences.
classical arguments, again, are made by Wolfers: even "survival" must be defined according to moral values. Consider the different choices made by Czechoslovakia in 1938 and Poland in 1939, when faced with Hitler's demands. The Czech and Polish leaders, like Marshal Pétain and General de Gaulle in the France of 1940, defined "survival of the state" quite differently. Even the apparently starkest imperatives are not straightforward or objective. In the middle of the Vietnam War, Bruce Russett wrote No Clear and Present Danger, which for many was an annoying little book. It was annoying because it challenged settled beliefs about World War II, but it was also useful in that Russett showed that it is possible to make the case that there was no clear and present danger to the United States in 1941 and that we did not really need to fight the war the way we did. He argues that we could very well have survived without fighting the Germans or the Japanese. The point here is not to agree with that position but rather to note that values are built into the very notion of what constitutes an imperative. Russett showed that imperatives, even the apparently most obvious ones like resisting Nazi Germany and Tojo's Japan, are not self-evident. They are, in the prevailing jargon, "constructed." And therefore, when one is talking about humanitarian intervention, it is not necessarily helpful to distinguish between imperatives and preferences.

The key questions are, what constitutes an integrated definition of national interest, and what value should be placed on having an international system that acts to prevent the sort of brutal behavior we have been observing in the 1990s? These questions of course lead into order as a justification for intervention. There is a component of morality to order, after all, as well as a quasi-moral notion that imputes to great powers a responsibility to ensure a relatively orderly international system. The realist route to humanitarian intervention thus involves a conception of international society that requires us to define what constitutes acceptable behavior within it. Although this is founded on classical, "statist" values, it still provides a means of justifying humanitarian intervention. Thus one need not be a dewy-eyed idealist to think that there are times when humanitarian intervention can be justified on grounds that are fairly traditional and well connected to definitions of interest.

**Liberal Arguments**

Whereas liberals have traditionally valued self-determination, community, and shared history, as seen in Walzer's work, there is also within liberalism a more universalist conception of human rights in which sovereignty is a subsidiary and conditional value. Self-determination, after all, has been among the most abused of liberal values. Indeed Amir Pasic has shown in an essay on Bosnia how the liberal value of self-determination can and is used to create what he calls a "negative normative reality" that leads to acts of genocide and ethnic cleansing. A deep fault line of liberal theory runs along the question of how a given community defines itself, what means it can use, what legitimate goals it can pursue to establish its conception of freedom and autonomy, and to what extent outsiders are legitimately a party to these conflicts when they get nasty. Most famously perhaps, and most familiarly, J. S. Mill and Walzer following him have asserted both the virtue and the necessity of Mill's argument of the "arduous struggle of self-help" as the way for a community to achieve freedom and autonomy. This sets the bar rather high, even for humanitarian intervention.

At the noninterventionist end of the liberal spectrum, we find again two sorts of claims—one ethical and one prudential. The ethical claim of the noninterventionists places high value on community in itself, on a notion of shared history—what Walzer calls the "thick" values in his 1995 book Thick and Thin. These values are to be respected almost prima facie by outsiders. There is also an ethical component to the historical/empirical claim that unless
freedom is "earned" by a people, it will not survive and endure. But what if "earning" communal autonomy and freedom means ethnic cleansing? And, if so, what does that imply for the rest of the international community in terms of its rights and/or obligations to intervene?

Related to the claim about community is a claim about the legitimating function of domestic political processes—apparently almost any domestic political process. In a perhaps unguarded passage in The Anarchical Society, Bull wrote that to the extent that the words of a despot are authenticated by a political process, one ought to weigh them more heavily than the pronouncements of, say, Bertrand Russell, Buckminster Fuller, or Norman Cousins in perhaps descending order of profundity), none of whose pronouncements has been authenticated by any sort of process at all. The political claim is that, unlike individuals, at least spokesmen for states, even authoritarian states, have passed through some political process.

At the same time there may be an unconscious arrogance in assuming that the most extreme leader in a community is necessarily the "right" spokesperson for that community's aspirations. This is a point made well by the late political theorist Judith Shklar in her powerful essay "The Liberalism of Fear." By what right is Radovan Karadzic accepted as the authoritative spokesperson of the Bosnian Serbs? It is not clear who has consulted the ordinary people there. Does Pat Robertson speak for all white, evangelical Christians? Or Louis Farrakhan for African Americans as a group? There is a tendency in an argument that privileges states and domestic political processes, however rudimentary, to overvalue the most extreme leader and to reward the people least supportive of peaceful accommodation. The so-called Parliament of Bosnian Serbs came into being solely at the behest of Karadzic and his supporters; its actions in the midst of the diplomacy to end the war in Bosnia conferred no conceivable legitimacy.

These ethical and practical arguments for nonintervention slide almost imperceptibly into prudential claims about order. A pruden-

tial concern for order tells us that we cannot license intervention everywhere to everyone who is of a mind to intervene. It would be a recipe for disaster in the international milieu. Not every violation can justify intervention. Pierre Laberge cites a play by Molière in which a wife is suffering a beating at the hands of her husband. To the surprise of a well-meaning stranger who tries to intervene, the wife rudely rejects the offer of help. She tells him to mind his own business, that she and her husband will work out their problems. Noninterventionist liberals make a similar claim: people should be left alone to work out their own government.

What about the interventionist end of the liberal spectrum? Franck has written that in the light of recent orgies of genocide, Mill's position on the arduous struggle of self-help is a posture of insufferable insouciance. Indeed, if one looks at what occurred even in a success story, South Africa, it is clear that success was the product of more than self-help. A combination of external sanctions and sustained action on the part of the international community sought to convince white South Africans that apartheid was deeply unacceptable, that South Africa would have to abandon it and grant full citizenship rights to the black majority if it were ever to join the international community of states as a fully acceptable member. This external pressure aided the undoubtedly more potent internal developments that ultimately led the remarkably peaceful transformation to occur. Intervention, after all, can involve more (or less) than sending troops. In the case of South Africa, it involved sustained sanctions at almost every level of international interaction. And many of these sanctions were the product of grassroots activism in the democratic states that were also trading partners, or sporting competitors, of the South African state.

In his deservedly standard treatment of the issue in Just and Unjust Wars, Walzer sought to avoid the extreme non- or interventionist positions. Since the book's publication in 1977, people on both sides of the debate have tried to claim him as an ally because
his legalist paradigm rests on a tension between the statist and cosmopolitan positions. The book recognizes the pull of one side of an argument even when it lands on the other side. In effect, Walzer tries to ground the legalist paradigm of the rights of states in the rights of individuals—because the rights of states rest on the rights of individuals. But at the same time, states as members of international society are by definition entitled to presumptive legitimacy. The first reading of the rule is that we as outsiders must assume that another state is legitimate unless it has proved otherwise by actions that we cannot ignore. Walzer revises the absolute rule of nonintervention only when the absence of “fit” between people and regime is radically apparent. He cites interventions in civil wars involving secessionist movements; interventions to balance prior interventions; and—here is our focus—interventions to rescue peoples threatened by massacre, enslavement, and (in “The Politics of Rescue”) by large-scale expulsion.

Walzer conceives of humanitarian intervention as a kind of international analogue to domestic law enforcement. Governments that engage in acts that allow us to intervene for humanitarian purposes are in effect criminal governments. Those who initiate massacres lose their right to participate in the normal, and even normally violent, processes of domestic self-determination. Governments and armies engaged in wholesale massacres of individuals are readily identifiable as criminal. Hence, humanitarian intervention comes closer than any other kind of intervention to what we commonly regard in domestic society as police work. But can one intervene unilaterally to stop an outlaw? Walzer prefers a collective action, but it seems that he does not insist on it. His discussion conceives of international humanitarian intervention as a rescue operation in which the intervenor goes in and then comes out. In “The Politics of Rescue,” Walzer expresses willingness to allow members of the international community to stay a little longer, to move from what Hoffmann calls rescue to the restoration of peace. He does not directly treat the murderous conflicts in failed states or the systematic terrorization of a population by another seeking its own version of self-determination, as in Bosnia. The model is still one of states acting as states to punish a particularly egregious member of the society of states. So the values of community, shared history, and culture—in general, the “thick” values—trump the universalist values of human rights, at least in Walzer’s account.

A Liberalism of Human Rights

I would like to sketch very briefly a version of liberalism that, at least ethically, makes the value of sovereignty subordinate to human rights claims. This version rests on a view of liberalism that seeks to value both the universal and the communitarian aspects of the political doctrine. Most communitarian critiques of liberalism fail to recognize the extent to which liberals value community and how liberalism itself embodies a conception of the good. Such critiques take aim at the priority given to rights and try to show how this comes at the expense of the common good. But, in fact, liberalism does work to establish conditions in which individuals will be able to fulfill themselves and their projects, their vision of the good, while respecting the personality and personhood of the projects of others. This means that there are liberal virtues—tolerance is an important one—and also that there are limits to so-called liberal neutrality. At bottom, liberalism seeks to establish a form of social life free of moral coercion even in circumstances of deep social disagreement. A liberal polity is therefore fully entitled to place limits on projects that would impose moral coercion and hamper the ability of individuals to define and pursue their own idea of the good. The goal of a liberal political society is individual autonomy in a community of tolerance. Political society can be regarded as a combined product of history, with its vast share of accidents, upheavals, and manipulations, and of human choice. Thus it is both willed and historical.
And very often, as we know from many studies, it is the sort of shared history that is sometimes invented, or re-created, by poets, philosophers, and the like.

Whatever its origins, the moral standing of a society rests on its ability to respect and to protect the rights of its members and on their consent, explicit or implicit, to its rules and institutions. Both the nation, which we define as a group that provides individuals with a sense of social identity and transcends other secular and often religious cleavages, and the state, which we define as a set of institutions that aims at providing individuals in a certain territory with order and a variety of resources, derive their moral standing and their rights from the will and the rights of the individuals that compose the nation and over whom the state rules. Political life is, as a whole, a ceaseless process of accommodation among the rights and duties of individuals within a nation, those of a national group, and those of the state. But here we would join forces with the broader liberal worldview. Neither the group nor the nation nor the state can be seen as possessing inherent rights. The rights they claim derive from individuals. When they define their rights and duties in a way that tramples the basic rights of individuals they forfeit their legitimacy. This version of liberalism recognizes that persons are social beings and that society, therefore, cannot be seen only as protector of private lives and activities from anarchy. Individuals often want to come together to achieve common purposes, to carry on grand designs, to build a common civil culture—sounding all the usual communitarian hymns. Political society is not simply a market for free private enterprise. From a moral point of view we look at social groupings formed by persons as derivative and constructed and as drawing their legitimacy from the will and consent of these persons. Thus in international relations we treat the notion of the morality of states with suspicion. At the same time, we recognize that cosmopolitanism, however desirable it may be as a political goal, does not yet correspond to the choice of the great majority of states or individuals. But we would still insist that community is not a value that trumps all others.

In this conception of liberalism, then, the justification for state sovereignty cannot rest on its own presumptive legitimacy. Instead it must be derived from the individuals whose rights are to be protected from foreign oppression or intrusion and from their right to a safe, "sovereign" framework in which they can enforce their autonomy and pursue their interests. It follows, then, that a state that is oppressive and violates the autonomy and integrity of its subjects forfeits its moral claim to full sovereignty. Thus, a liberal ethics of world order subordinates the principle of state sovereignty to the recognition and respect of human rights. And when an illiberal state is attacked by another one, the defense and integrity of its independence against aggression must be accompanied by an international effort to improve its own human rights record. Steps have been taken for the international protection of human rights that move slowly and haltingly toward this goal. Here, obviously, we have in mind Kuwait. The principle of an individual’s right to moral autonomy, or to put it differently, to the human rights enshrined in the Universal Declaration on Human Rights, should be recognized as the highest principle of world order, ethically speaking, with state sovereignty as a circumscribed and conditional norm.

What does this mean for humanitarian intervention? The answer is complex. We have still to maintain and even raise barriers to illegitimate intervention, define the areas, conditions, and procedures for legitimate ones, pay particular attention to both sets of cases and the special problems raised by coercion, particularly military coercion, and proceed as much as possible on a broad basis of consent. What does this mean in practice? I think we must maintain our suspicion of unilateral intervention, because it always contains a component of self-interest, and unilateral intervention risks almost by definition violating the autonomy of the target. Unilateral intervention should thus be presumptively
illegitimate, but the presumption can be overridden. Would it have been wrong for the United States to act in Haiti even if it did not have OAS sanction? The point is arguable, but I believe that humanitarian intervention would nevertheless have been justifiable. A blanket requirement for multilateral approval or participation in a case of potential humanitarian intervention may have the unfortunate effect of ensuring that nothing is done. One could certainly argue that Rwanda was a case of “Well, I’ll do it if you do it,” with nobody willing to take the first step. Meanwhile, tens, even hundreds, of thousands of people were killed in a brutal, low-tech, and rather time-consuming way, largely by machetes. It is quite clear to most people who have studied this case that a modest deployment of international troops placed early and decisively could have prevented a large number of deaths. Because of cases like this, it does not seem reasonable to rule out unilateral action. At the same time, a collective process serves as a check on an individual state’s tendency to intervene for self-interested purposes.

When could one intervene collectively? I think that we could build on the emerging consensus on threats to peace, breaches of peace, and acts of aggression—the traditional causes that allow us to intervene in interstate conflict. In domestic affairs the equivalent causes would be domestic policies and practices capable of leading to serious threats to peace, and in cases of egregious violations of human rights—even if those violations occurred entirely within the borders of a given state. A genocide is no less “a common threat to humanity”—the characterization of former UN secretary-general Boutros-Ghali—if it occurs within borders than if it crosses them. The basic principle that should guide international intervention is this: Individual state sovereignty can be overridden whenever the behavior of the state even within its own territory threatens the existence of elementary human rights abroad and whenever the protection of the basic human rights of its citizens can be assured only from the outside.

State sovereignty, in short, is a contingent value: its observance depends upon the actions of the state that invokes it. Members of the international community are not obliged to “respect the sovereignty” of a state that egregiously violates human rights. Why “egregiously”? The sad answer is that the world presents a far too rich array of human rights violations that might justify outside intervention. We must choose among the evils we seek to end. For much of the world, for example, capital punishment violates human rights. Yet few disinterested observers would urge or welcome the forcible landing of an international military force to prevent Virginia’s next execution. However one regards capital punishment after due process of law, it cannot compare with the scale of violations that occurred in Rwanda or in the Cambodia of Pol Pot. As one analyst has observed, we currently possess “neither the capabilities nor the willingness to right all wrongs, even the relatively small number of wrongs that are deemed to warrant international action.” But as President Clinton put it in his speech justifying the NATO action in Bosnia: “We cannot stop all war for all time. But we can stop some wars. . . . There are times and places when our leadership can make the difference between peace and war.” Some judgment about the scale of evil, and about the capacity we have to end it, must be made.

This process of judgment should, in my view, be multinational. For all the flaws of the United Nations, it does provide a forum for international debate and for the emergence of consensus. And, as I have suggested, if taken as a general but not rigid rule of thumb, an insistence upon collective, multilateral intervention or, as in Haiti, collectively approved unilateral action can correct for self-interested interventions that are draped in a thin cloak of humanitarianism. At the same time, it may be necessary for a state to declare its intention to act on its own; if the cause is truly just, this very declaration may make collective action more possible. And the intervention may still be just even if its motives are mixed: the examples of India’s intervention in the former East
Pakistan and of Tanzania's in the Uganda of Idi Amin are often cited as unilateral interventions that nevertheless ended humanitarian disasters.\textsuperscript{11}

What about the problem of consistency? Does the fact that we can do little, if anything, about human rights violations in Tibet have implications for what can be done about human rights violations in Haiti or East Timor? Alas, it seems obvious that there simply won't be consistency, but what does that mean ethically? Is it more ethical to say that since I cannot do everything everywhere consistently I should do nothing? My own view is that the fact that one cannot do everything everywhere does not mean that one should not try to do anything anywhere.

A first stab at setting priorities for action might be to suggest humanitarian interventions where the threats to peace for neighboring states are indeed the greatest. One could also come up with a list that sets the potential costs of the intervention against what might actually be achieved. In short, we could seek to adapt the traditional criteria of the just war tradition to cases of humanitarian intervention. But this does require that we develop the means and capacities for acting in these ways.

I am not sympathetic to those who think that we must reserve our military for a single purpose lest it lose, so to speak, its "purity of essence," to quote a famous (movie) general.\textsuperscript{32} It is not inconceivable to me that we can have dual-purpose military organizations. People can be trained to do more than one thing. We do have to address more seriously collective capacities. We have stopped talking about the UN standing force, and the Clinton administration has stopped trying to build up the collective capacities of the United Nations, apparently because the issue is regraded as a political loser. Nevertheless, there seems to me to be a clear ethical imperative to begin to develop means that are capable of addressing some of the problems that we have been seeing.

But as always in ethical arguments, ought implies can. It is clear that weighing in on the human rights side implies a willingness to intervene far more extensively than we are currently willing to do; and there are significant costs and dangers attached to this willingness. On the other hand, weighing in heavily on the side of traditional sovereignty and nonintervention entails a willingness to turn a blind eye to many outrages in the world. We could say, "Well, it is a pity that people are killing each other and it's true that there is something that we could do about it relatively easily, but it is actually occurring within a state so it's not our business." Surely one of the lessons of the Holocaust is that we should not allow this to occur again. And one of the benefits of the end of the Cold War is that we can now begin to address questions of endemic injustice and human suffering in ways that were not possible when the United States and the Soviet Union were worried about blowing each other up.

There remain formidable worries about the consistency and effectiveness of humanitarian intervention. But one has to begin working those out by deciding how much one is willing to overlook for the sake of sovereign independence. To claim that sovereignty is subsidiary to human rights is not to say that sovereignty is negligible or automatically weaker. Rather, claims to sovereignty are subsidiary in that they do not automatically trump other compelling claims. There may be times when prudence suggests doing something less, but I regard it still as a moral imperative to prevent or mitigate evil when one has the capacity to do so. Thus as an ethical imperative, the issue of humanitarian intervention demands our deepest attention and response.

\textit{Notes}


15. Rieff, "The Lessons of Bosnia."


28. The following passage draws on a manuscript in progress written with Stanley Hoffmann; hence the change to the first-person plural pronoun.

29. Franck, "The Emerging Right to Democratic Self-Governance."  


32. I refer to the character in Stanley Kubrick's *Dr. Strangelove*, General Jack D. Ripper.