

The Ethics of Armed Humanitarian Intervention

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Summary

At the very beginning of the twenty-first century, two concerns ranked high on the military-political agenda of the Western world: humanitarian intervention and terrorism. This is an essay on the ethical issues surrounding the former. The events of September 11, 2001, have understandably increased the concern with terrorism and pushed the problems of humanitarian intervention into the background. But the issue is unlikely to remain offstage for long, if only because the shadows cast by humanitarian disasters such as the genocide in Rwanda in 1994 will continue to darken the conscience of the international community—and there is every prospect that further such shadows will be cast in the future. Moreover, if military interventions in the Middle East against terrorism prove successful, they may bolster the case for the use of military intervention in the cause of humanitarian relief by suggesting that military power can be effective in solving political problems at a distance and in aiding positive social transformation of other societies. But the dialectic here is complex, since any such antiterrorist interventions may be successful (if they are) precisely because their objectives are restricted to the retaliatory or defensive. In any event, as this essay shows, the moral issues raised by the question whether to wage humanitarian war go to the heart of the ethical justifications available for any form of military intervention.

This essay begins with definitional discussions of the key terms of any such debate: “humanitarian,” “intervention,” and “ethics.” “Humanitarian” refers principally to the motives for the intervention, namely, to save foreigners from the ills inflicted upon them by their rulers or by powerful, protected groups in their own country. But since motives are always complex, this motive need only be dominant, not exclusive. “Intervention” is then defined in terms that involve the action being against the consent of the target state. This requirement is controversial, so it is defended against the objections to it. The meaning of “ethics” is then elaborated in terms that distinguish its rationale from that of religion, culture, or law and locate its significance as providing one answer to the question “How should we live?” Viewed in this light, the ethical dimensions of public policy have an obvious claim to be taken seriously. “Realist” objections to doing so in the realm of international relations are then assessed. Although realism fails as a rejection of the relevance of morality to foreign affairs, it provides some salutary warnings about the distortions that moral perspectives can produce. These warnings guide some of the ethical analysis that follows.

The basic framework of just war theory is then introduced and its central motivation analyzed. It is argued that the just war tradition provides the best framework for discussing the moral arguments for and against humanitarian intervention. This framework has two key structural supports, sometimes referred to by Latin tags: the *jus ad bellum* (abbreviated here to JAB) and the *jus in bello* (the JIB). The JAB is concerned with the moral justification for waging war, as contrasted with the provisions of the JIB, which address the morality of the methods employed in the war. Within the humanitarian con-

text, the JAB is of primary interest (although the JIB, too, can also be of interest, because immoral ways of waging war or intervention will often cast doubt on its overall legitimacy).

The conditions of the JAB, especially that of just cause, are these days treated more restrictively than in past so that a just war has tended to be seen primarily as a defensive war. Military interventions in the affairs of other states without the warrant of self-defense or defense of allies were largely ruled out, both morally and legally. The older tradition of allowing certain aggressive wars to be morally licit fell into disrepute during the latter half of the twentieth century, and the reasons for this are explored. The call for humanitarian war harks back to the older tradition and challenges the paradigm of outlawing all aggression of states against other states. This challenge raises issues of the value of sovereignty, since the sovereign right of states to manage their own affairs has been a mainstay of international relations theory and has a direct connection with the prohibition on aggressive war. There are undoubtedly good reasons for being suspicious of any absolute right for states to remain immune to outside criticism, pressure, or sanction by the international community or even by other states. Malevolent action of states against their own populations certainly constitutes one of those reasons. Nonetheless, the case against violent intervention cannot be dismissed merely by noting that sovereignty is not absolute. Warfare destroys lives, property, infrastructure, and environment in ways—and to an extent—that economic and diplomatic pressures do not. The case against military intervention has to be seen in this light and against the background of just war thinking.

The relevant conditions of the JAB are those of legitimate authority, just cause, prospects for success, last resort, and proportionality. Assuming, for the sake of discussion, that the condition of right intention has been met, the other conditions are scrutinized for their pertinence to the issue of humanitarian intervention. Under these headings, a cautious, even skeptical, note is struck about many of the hopes entertained by advocates of armed humanitarian intervention. In particular, the requirement of legitimate authority creates concerns about the appropriate authorizations for humanitarian intervention and about the role of a dominant superpower; the requirement of last resort raises issues about the need to explore alternatives to violent intervention; the requirement to have reasonable prospects of success challenges short-term thinking about “rescue”; and the demands of proportionality require a sober assessment of the complex costs of intervention.

Suggestions are then made about the circumstances in which intervention might be morally licit. These concern legitimacy in the international order and the role of the United Nations; the need for holistic measures in the management of intervention; the significance of multilateral versus unilateral forms of intervention; the need for a specialist UN intervention force; and the problems posed by demonization. In conclusion, it is emphasized that humanitarian concerns must be located within a context of the striving for a peaceful world.

Introduction

In an article entitled “The Short, Unhappy Life of Humanitarian War,” Charles Krauthammer writes in scathing terms of humanitarian military intervention and concludes by remarking of the “successful” Kosovo intervention, “This is what happens when you *win*. Which is why there will be no more of it. It is an idea whose time has come and gone.”¹ Krauthammer writes from a “realist” perspective (of which more later), but his view is in striking contrast with Fernando Tesón’s passionate defense of humanitarian war from a human rights perspective. Tesón’s real (though qualified) enthusiasm for the idea Krauthammer regards as discredited is captured in the following quotation: “[F]oreign armies are morally entitled to help victims of oppression in overthrowing dictators, provided that the intervention is proportionate to the evil which it is designed to suppress.”²

These contrasting views indicate why the ethics and politics of armed intervention for humanitarian purposes have proved to be among the most theoretically difficult and practically controversial issues facing governments in the past decade. As we begin the second millennium, the problem shows no sign of growing more manageable or, pace Krauthammer, of going away. The names Rwanda, Somalia, Bosnia, Kosovo, Chechnya, and East Timor stood, at the end of the twentieth century, as pointers to future conundrums, tragedies, opportunities, and anxieties for the twenty-first century. Moreover, the U.S. intervention in Afghanistan, though not humanitarian in purpose, has resulted in the overthrow of a brutal and repressive regime in a way that is likely to encourage the advocates of humanitarian intervention.

In what follows I will not try to solve the problem of humanitarian intervention outright so much as seek to structure it in a way that makes it more tractable. I will be predominantly concerned with the ethics rather than the politics, although, as will become clear, I am unhappy with too sharp a division between the two: a realistic ethic cannot separate itself from the intricacies of political fact, and a serious politics is inevitably enmeshed with the ethical.

Let me begin proceedings with a quotation from a U.S. president facing a decision involving the use of armed force to influence drastically the affairs of another nation. The quotation is instructive in its appeal to a complex of factors that include what the president clearly thought of as humanitarian or altruistic motives. Since the issue addressed is also historically remote from present contingencies, occurring as it did at the end of the nineteenth century, an analysis of the president’s reasoning is helpful in revealing the potential pitfalls of the humanitarian appeal and the hazards that can inhere in the resort to high-minded moral and religious sentiments, no matter how

sincere. The speaker is President William McKinley, confronting the problem of annexation of the Philippines:

It came to me one night that we could not turn the island over to France or Germany, our commercial rivals; that would be bad business and discreditable. We would not give them back to Spain; that would be cowardly and dishonorable. We could not leave them to themselves; they were unfit for self-government. There was therefore nothing left for us to do but to take care of them and educate them and Christianize them.³

I shall say more about the relation of these underlying attitudes to a genuine understanding of the role of morality in foreign affairs, but, for the moment, let me just emphasize that the Filipinos had been Christians for four centuries at the time McKinley spoke of the United States' mission to Christianize them. There had also been an active movement for political independence of some years' standing, with martyrs, exiles, and widespread local support. The United States' humanitarian takeover was unsuccessfully resisted with arms for two years, and the "taking care" (which would nowadays be called "nation building") lasted for fifty years.

It is clear from this quotation that the desire to use political and military muscle to "take care of," benefit, and prevent harm to others is not a novel phenomenon restricted to the period following the end of the Cold War. Nonetheless, the issue of humanitarian intervention is now much more a topic of widespread academic and policy discussion and specific attention than ever before. But the participants in the debate do not always survey the field with the same conceptual instruments. We thus require some initial definitions to guide us, though they need not be totally watertight, just sufficiently dry to keep discussion afloat and avoid some standard confusions. I will therefore proceed to develop working definitions of "intervention," "humanitarian," and "ethics."

Before doing so, however, I should address briefly an objection that might derail our inquiry from the beginning. I have spoken as if there were some renewed enthusiasm for armed intervention, but it might rightly be claimed that such enthusiasm is not in evidence, at least not among governments and their leaders in the world's wealthier countries. This is a legitimate riposte, at least up to a point, since such leaders showed a notable reluctance to use violence in the face of the Rwanda massacres and the Bosnian crisis, not to mention the disaster in Chechnya. Moreover, since the awful events of September 11, 2001, military interventions for reasons quite distinct from humanitarian motives have come to dominate political consciousness to a degree that may swamp most humanitarian concerns for some time to come. Nonetheless, the fact remains that throughout the past decade many intellectuals, public figures, and journalists have strongly criticized the reluctance to use violence for humanitarian purposes. It is unlikely that this pressure will disappear, or that humanitarian crises will evaporate. Moreover, their critique has had practical consequences. The military response to the looming Kosovo disaster was, as Adam Roberts points out, in part a reaction to the shame of standing by during earlier horrors.⁴ This response also went against Roberts' earlier predictions that humanitarian intervention was on the decline after peaking in the early nineties.⁵ The failure of this prediction should caution against the idea that we need

no longer bother with the issue of humanitarian intervention. Given appropriate circumstances, the impetus to urge and support such armed intervention among many of those sincerely concerned with continuing human rights violations and persecutions will surely reemerge. It is this impetus that I aim to evaluate. But first I will offer some definitions.

Definitions and Cautions

The Meaning of “Intervention”

I will take it that our central focus is armed intervention, though I will have something to say later about various forms of coercive intervention short of the use of armed force. I define intervention as an intentional act of one state or group of states or an international agency aimed at exercising overriding authority on what are normally the “internal” policies or practices of another state or group of states. It is crucial here, therefore, that the target state (as I will call it) does not consent to the intervention. So the bombing of Serbia as a means of protecting Albanian Kosovars clearly counts as intervention, whereas the actions of the coalition that went into East Timor with the consent of the Indonesian government do not. The Gulf War is not an intervention because it was not essentially an intrusion into the internal politics of Iraq—though it arguably developed into that with later military efforts to protect the Kurds—but an effort to aid Kuwait (with its consent) against an invasion by Iraq.

It is true that some theorists have either ignored or denied the distinction based on consent. Stanley Hoffmann is one who denies the definitional importance of consent. In his essay “The Politics and Ethics of Military Intervention,” he says that he

does not distinguish between cases in which intervention occurs with the formal consent of a government and those in which it does not, mainly because consent is not always voluntary or genuine. Initial consent may turn into resentment and hostility later on. Nor does it fully separate the political from the ethical aspects of intervention, because political actions, even when they are not preceded by any explicit discussion of moral concerns, always raise such issues. Even actions that seem to aim only at the establishment or restoration of order have implications for justice.⁶

But neither of these arguments is persuasive. The second is simply, and somewhat puzzlingly, beside the point. Building lack of consent into the definition of intervention is not intended to separate the political from the moral, nor to suggest that only intervention, so defined, is morally problematic. The decision to wage a war over an “external” matter such as Iraq’s invasion of Kuwait may raise extremely important moral doubts even though it is not an intervention. Hoffmann’s first and “main” argument cuts a little deeper, but it is still unpersuasive. It is true that consent (or better, the expression of consent) may be coerced or in other ways nongenuine, but there are two responses to this, the second of which reinforces the first.

The first is to require consent to be genuine and the second is to counsel against

setting the standards for genuine consent too high. When people agree to some proposal, especially a political proposal, background pressures and conditions are often at work, appreciation of which constitutes reasons for their agreement. Often these conditions are ones that the agent does not much like and that constrain his or her choices to some degree without being strong enough to vitiate consent. Compromise agreements are nonetheless genuine agreements even though both parties view the outcome as less than ideal and would not have consented to it were greater evils not in store if disagreement were to continue. And it is true, as Hoffmann says, that consent can turn sour, but this hardly counts against requiring it in the first place. It merely reminds us that something that begins as one thing may turn into another: as a mercy mission may turn into an occupation, so military help to an ally may turn into intervention when the ally goes cold on the project and wants you to leave.

Hoffmann's comments point to genuine nuances and problems, but they do not support his definitional proposal. Even so, we could operate with it, but then we would find ourselves still having to distinguish between interventions that take place without or against the will of the target state and those that have the consent of the state. I shall restrict my discussion to the former, since I am principally concerned with humanitarian armed interventions and these usually take place without the target state's consent, a situation that gives rise to the moral difficulties such interventions encounter.

It may be urged that the consent condition gives too much prominence to the status of sovereignty, but, whatever one thinks about the ultimate moral and political value of state sovereignty, it is surely a virtue of the definition that it does this, since part of what is problematic about intervention is violation of sovereignty. As Adam Roberts says: "The idea of humanitarian intervention in its classical sense involves a violation, albeit in exceptional circumstances, of the principle of non-intervention."⁷ Even certain difficulties for my definition highlight this virtue. For instance, it follows from my definition that one can intervene in a civil or secessionist war only if one does so on the side of the rebels, and this can seem counterintuitive. But what this shows is that in certain contexts the internal and violent contesting of sovereignty can put legitimacy in doubt and hence blur the question of whether the military action has the consent of the target state. The United States' injection of military support for the Colombian government is not viewed as intervention by those who regard that government as exercising legitimate sovereignty, but such support is viewed as intervention by those who regard the FARC as at least a plausible competitor for legitimacy.⁸

The Meaning of "Humanitarian"

What is "humanitarian" about humanitarian armed intervention? Basically, the expression refers to the primary motive for the intervention. I say "primary" because we must allow for mixed motives (as in McKinley's justifications), for these are never absent from international affairs or any other area of human agency. It may indeed be too much to require that the humanitarian reasons should constitute sufficient conditions for the intervention, but they should at least be necessary and prominent. The term "humanitarian" is now used to distinguish interventions that are aimed at rescuing foreign people from the harm that is being done, or is about to be done, to them by the state

authorities who are responsible for their protection. It might be better to call it altruistic intervention, but we will follow common currency and call it humanitarian.⁹

I have defined humanitarian in terms of a conspicuous motive, but some participants in the debate show a tendency to define the expression in terms of beneficial outcome, giving it what philosophers have called “success grammar.” Tesón seems inclined this way when he discusses the objection that interventions are very likely to involve partiality and ultimate abuse by the interveners. He says, “If part of the definition of the class of actions ‘humanitarian intervention’ is that states do not abuse, then it is difficult to resist the conclusion that the adoption of the rule allowing for humanitarian interventions will have beneficial consequences.”¹⁰ And he adds, “An intervention in which foreign troops abuse their power is not an instance of humanitarian intervention.”¹¹ But any such suggestion is disastrous for serious discussion of the merits or pitfalls of embarking on such interventions that are proposed as humanitarian, since we need a vocabulary for debating them that does not assume success in advance.

It is a hotly contested question whether humanitarian motives should, or can, be encompassed by the term “national interest.” Several theorists have argued that the term “national interest” has been understood far too narrowly and that, at least in the case of democratic nations, the national interest should include a concern that genocide and egregious human rights violations should not occur anywhere in the world. Kofi Annan is one influential advocate of such a broadening interpretation.¹² This is a very interesting debate, but one problem in resolving it is the opacity of the term “national interest,” which is used extensively in realist and neorealist writings (see below) and in political discourse but is seldom used with precision. One realist writer, for instance, explicitly restricts it entirely to material interests, claiming that a state’s national interest relates only to “its territorial integrity (or political sovereignty), its military security, and its economic well-being.”¹³ Other writers include broader value elements of a nation’s political system, but the flexibility generated by the vagueness of the concept reflects its derivation from the idea of an individual’s interest, and this concept itself is enmeshed in an ethical and theoretical quagmire centered on the word “egoism.”

The history of debates about ethical and psychological egoism, that is, discussions of the significance of self-interest as a justificatory and motivational factor in individual behavior, is bedeviled by a picture of both morality and motivation that initially puts far too stark an opposition between the individual and the community and then, understandably, has great difficulty getting them back together. In reaction to that, it is tempting to make too much of their integration. The truth is that individual and group interests are profoundly linked, but they can also come into opposition. Normally, morality and prudent self-concern are self-supporting; indeed, much traditional ethical thought treats prudence as a crucial part of morality and does not always link it to self-interest. But it is possible for the individual’s interest to conflict with the group’s—otherwise, the idea of self-sacrifice would have no point. It is clear that unraveling these matters is difficult enough at the individual level; at the elusive level of collective national identity the difficulty is even greater. Hence, it is surprising that politicians and theorists operate so casually with the idea of the national interest and invest it with such normative power. But one thing we can say is that if there is any weight to the analogy between

individual interest and national interest, then it will not do to understand the national interest too narrowly, and, in particular, the idea should not exclude *ab initio* any concerns for the well-being of humans other than one's own nationals. Whether such concern can require or license armed intervention is a question we will investigate later.

A further complication, related to the issue of interest, is that interventions that begin with no humanitarian motive may turn into a humanitarian intervention or acquire a humanitarian aspect. The U.S. bombing of Afghanistan, and its military support from various allies, was not humanitarian in impulse, but its effects have been so destructive (though also potentially positive in certain ways) that some role, including a military role, in the rebuilding of the Afghan state and the prevention of civil war may well be indicated. Such a shift cannot be ruled out, given the complex responsibilities that accrue to an intervention of this kind.

The Nature of Ethics

We need to get a little clarity at this point about what ethics or morality is all about since there are many misguided views on this, and some of them fuel various “amoralist” or “realist” objections to any role for ethics in international affairs. (I use the expressions “ethics” and “morality” interchangeably here, though for some purposes they can be usefully distinguished.) I shall try to explain briefly what I mean by ethics, but first, a few negative comments aimed at dislodging some common confusions about the subject. (1) Ethics is not essentially dictated by religion; (2) it is not remote from the realities of life but an inevitable dimension to significant decision making of any sort; (3) it is not, in its most important respects, entirely relative to culture or society in any way that would render it impossible to make genuinely reason-supported judgments of universal scope; and (4) it is not concerned solely with private life (and especially not restricted to sexual conduct).

The basic reason why ethics is not any of the things excluded above is that ethics should form a vital part of the body of knowledge we have and continue to seek about the most sensible and sustainable answers to the question “How should we live?” This is how Plato, through Socrates in *The Republic*,¹⁴ characterized the ethical task centuries before the Christian era, and it is clearly the question that the ancient Chinese philosophers such as Confucius, Mencius, Mo Tzu, Shen Tzu, and numerous others attempted to answer around the same time. Of course, answers can range more broadly than what we are accustomed to treating as the moral. Many would now view some of the concerns of the Confucian gentleman as matters of etiquette rather than ethics; nor would we think of answers that were remote from serious harm or benefit (such as whether we should eat French or Thai food for dinner tonight) as raising a moral issue.

There is room for debate about the exact range that the ethical should cover, but it is reasonable to insist that the range be circumscribed by the concept of importance and that the ethical be particularly concerned with concepts such as injury, harm, vice, benefit, disgrace, obligation, duty, virtue, and honor. From this cluster of concepts emerge more abstract notions of right and wrong that are distinctively moral. There is no doubt that issues of this kind have been a part of the human condition in every age. Moral guidance is available from a sometimes bewildering array of sources: religions, ideologies, political parties, cultural institutions, newspapers, television, health gurus, NGOs,

even philosophers. Nonetheless, people have to make up their minds about these answers: they have to bring them before the courts of reason, feeling, experience, and conscience. Sometimes the answer is simple and obvious; often it is complex and contentious. Many people think and choose badly (both in the sense of choosing a wrong ethic and in the sense of judging rightly but acting badly), and none of us can always be confident in the rightness of our judgments.

This is as true of those who seek answers to the question in religion as it is of those who seek it in tradition, culture, pure reason, or feeling. All these sources provide answers that need interpretation, especially in the light of changed circumstances (where does the Bible or Koran mention genetic cloning?), and the answers are open to criticism, reflection, and dispute both within the religions or cultures and beyond them. Those who believe that ethics is somehow empty without religion, especially revealed religion, owe us an explanation of how people like Aristotle and Mencius could produce such profound ethical discussions with such minimal reference to religion. In fact, the natural law tradition of the Catholic Church recognizes the fact that much of ethics can be addressed independently of religious revelation. I do not want to say that religion has no significance for ethics, but those connections that exist are much more nuanced than is commonly supposed. We should allow religion a voice at the table of ethical discussion but no decisive veto on how the discussion proceeds.

Much the same applies to culture. There can be no doubt that culture, in one sense or another, is a source of ethical belief, but the ready-made outlooks on ethics provided by one's local traditions, or by one's parents, do not simply settle the matter of how one should live. There is a significant distinction between source and justification. In whatever culture one finds oneself, the answers to the basic ethical question must take account of empirical realities, new possibilities, and answers provided by other cultures and by innovative individuals; of consistency; and of the connection of prevailing local values with the fundamental needs of human nature.

The simple cultural relativist thinks that what is right or wrong can be a matter only of what is parochially approved or disapproved, and since parishes vary, so inevitably does ethics. But this isolates culture unrealistically from outside influences, absurdly simplifies its inner dynamics, ignores the role of reasoning in ethics that always reaches to the universal though it begins with the local, and denies the plain fact that we are all members of the one species. Some of the follies of cultural relativism are fueled by the desire to be tolerant, but tolerance is itself a virtue that needs to be recommended on grounds other than cultural preference. After all, most cultures have endorsed various forms of extreme intolerance rather than mutual respect. It is true, and very relevant to our topic, that perfectly universal values can take varied cultural forms in different places and that some values may have a purely local or religious provenance. Other moral views may well eventually prove to be universal in reach but are presently legitimately contentious. Moral progress in part consists of gaining greater certainty and acceptance about views that were initially controversial—witness the development of understanding about the equality of women.

I do not mean to deny that there are false and strident universalisms that fail to take account of morally relevant differences in the circumstances of individuals and groups.

Indeed, this is relevant to some of the problems of intervention, as we shall see. Nonetheless, the need to take account of those variations is itself a universal ethical demand. Moral thinking is not easy, and deep moral disagreements on complex issues are to be expected. But attempts to understand and, when possible, resolve these disagreements are demanded by both reason and mutual respect.

Finally, a word about moral theory. The relevance of philosophical theories of morality to actual moral argument and debate is often remote. Whatever their speculative disagreements, most theorists readily reach a degree of consensus about what moral reasons are relevant and even decisive in practical matters. One area, however, where theoretical commitments can make a practical difference is utilitarian thinking. For the utilitarian, it is ultimately only some version of “the greatest happiness of the greatest number” that matters. Utilitarian calculations about what actions will maximize the best outcomes for sentient beings can conflict with duties and prohibitions that are not so based. One may, for instance, be obliged to refrain from murder or torture even when the consequences of doing so can be expected to produce dire results. So, many believe that terrorist attacks on the innocent are wrong even when the terrorists have a just cause and can advance it significantly by the attacks. By contrast, utilitarian calculations might nonetheless show that some terrorism is right because it produces the best outcomes overall. Divergences about the morality of the terror bombings of cities in World War II turn in part on this difference of theoretical approach.

Realist Cautions

The various schools of realism, so fashionable in the United States over the past seventy years or so, have appeared to deny the importance of ethics in international affairs. But the best of these theorists have in practice exhibited a distinctly conscientious concern for the use of power in foreign relations. This can appear paradoxical, but their various strictures against morality are better seen as objections to a distorted and inappropriate understanding of morality and hence an improper use of it in foreign affairs. In my view, the realists can most sensibly be regarded, in spite of many of their own formulations, as objecting to moralism rather than morality. In doing so, unfortunately, they have sometimes given an absurdly exalted respect to a narrow idea of national interest as the moral fulcrum for discussion of foreign policies, the difficulties in which we have discussed earlier. They have also tended to exaggerate the difference that power makes to moral principle. Nonetheless, they have stressed important aspects of any sane deployment of morality in international affairs. Three of the most significant complaints about moralism in connection with our present topic are the following.

- The dangers of moral self-inflation, whereby you instinctively adopt a stance of moral superiority over other nations and thereby become insensitive to the flaws in your own. This is evident in the McKinley statement with which we began but might be matched by numerous others from various world leaders.¹⁵ Under the influence of this distortion, the genuine moral and political evils that exist in the world tend to become focused exclusively in certain regions or even persons, and a primitive “good guys/bad guys” grid excludes the complex subtleties that moral and

political judgment often require. Sanctification of oneself goes hand in hand with demonization of the other, and such rigid dualism is an obstacle to a sober ethic of international responsibility. There are very bad policies and very bad political leaders, but realism dictates that we recognize the presence of evil wherever and whenever it occurs. It also dictates that we take cognizance of the fact that the monsters of today were our allies of yesterday and may be our allies of tomorrow, and that our own shining virtue often appears in a different light to others. Demonization can profoundly distort perceptions and actions in the context of intervention.

- ▶ The dangers of moral oversimplification, whereby the only issues involved in a conflict are seen as human rights violations and other serious acts of oppression. These are always significant and may indeed sometimes be the overwhelming consideration, but a concern for them can blinker our understanding of the history and the context in which they occur. Even if we are not confused by a distorted sense of our own superiority, we may nonetheless fail to grasp the background to the present atrocities or persecutions, and this grasp may be crucial to effective remedial action. Outrage is no substitute for insight. A legitimate concern for principles needs to be anchored in the factual realities within which the principles have to make sense and be applied.
- ▶ The illicit imposition of values on others. Sometimes this is a problem of the imposition of values that are legitimate elsewhere but inappropriate to these different circumstances. It is a crucial maxim of ethics that circumstances alter cases. The total separation of church and state and the freedom of artistic expression certainly embody important values, but these values may have to be negotiated carefully and introduced cautiously by locals in certain cultural contexts where their promotion by foreigners could be disastrous. And other values, like the right to relatively unrestricted private ownership of guns (if a value at all), have little claim to universality.

The realist caution particularly addresses the need to keep these three risks in mind when facing the question of using military might for altruistic purposes.

Humanitarian Violence: A Paradox?

The question of the morality of intervention is part of the broader question of the morality of war since I treat intervention as an act of war, whether war is “declared” or not. It therefore inherits much of what is morally problematic about war and other uses of political violence. Bryan Hehir apparently disagrees since he wants to “distinguish . . . sharply” between war and intervention, treating the morality of war as governed by the antiaggression paradigm, whereas intervention is not.¹⁶ I am not impressed by this proposal, but it is not clear how much turns on it. Hehir, in fact, thinks that “in many ways, the character of intervention makes it more difficult to justify than war” and he treats the task of moral justification as essentially provided by the framework of just war thinking with suitable adaptation.¹⁷ One reason for not sharply distinguishing the two is that intervention frequently has all or most of the behavioral features of war, as in the intervention against Serbia over Kosovo or the Vietnamese intervention in Cambodia.

He may be influenced by the feeling, shared by many enthusiasts for humanitarian intervention, that it is really a form of policing rather than war. Sometimes that may be plausible, as in very-low-level actions such as the bloodless French intervention with eighteen hundred troops to help overthrow the dictator Bokassa in the Central African Republic in 1979, but, as things usually stand, interventions require warriors rather than police, though police may be useful, if hard to come by, after an intervention.

A further linguistic question is raised by the tendency to restrict the term “violence” or “political violence” to the activity of “illegitimate” agents, who then turn out to be nonstate actors (more recent U.S. discourse lumps “rogue states” with nonstate actors). States, or at least the nonrogues, use force rather than violence, even when the effects and performances are otherwise identical. This reminds me of that other linguistic habit whereby I and my friends are invariably firm and resolute whereas you and your associates are stubborn and pigheaded. Given the appalling record of states in the unjustified employment of lethal force to devastate populations, economies, and cultures over the centuries, I am unimpressed by this sort of attempt to put a conceptual or moral gulf between the resort to weaponry for political purposes by state agencies and its employment by nonstate actors.¹⁸

So the air of paradox is connected with the morally problematic nature of resort to war, and this explains, to a large degree, the strong bias in international law and the UN Charter against military intervention, which must be viewed in light of the revulsion against the horrors associated with the great aggressive wars of the twentieth century. The idea that one can initiate such horrors or anything approximating them (hence wage “aggressive” war) for humanitarian purposes must retain an air of paradox. *Can* aggressive war be “humanitarian”?

Three

The Just War Tradition and Defense against Aggression

The Just War Tradition

The primary ethical machinery for considering whether aggressive war can be humanitarian must at least begin with the “just war tradition.” This tradition has been criticized in various ways, but suitably understood it provides a reasonable apparatus for tackling the questions of war and intervention. Indeed, if you are not a pacifist about war, then there is a minimal sense in which you have to be a just war theorist; that is, you have to give reasons why going to war can be justified and under what circumstances. No matter how common war has been as an instrument of state power and policy, the fact that it involves deliberate killing and maiming of human beings and great destruction of their property and of their natural and cultural environment means that resort to it demands the discharge of a heavy burden of justification. Further, there are convincing reasons (connected with the powerful concept of “atrocities”) why your mode of justifying war will have to include considerations about what ways of conducting war are off-limits morally.¹⁹ The former issues are often discussed under the rubric of what is called the *jus ad bellum* (which may be translated as “just grounds for going to war,” and is here abbreviated as JAB) and the latter under the rubric of the *jus in bello* (“just conduct in waging war,” JIB).

All this is largely independent of the precise form a just war theory will take, and it is also, incidentally, relatively independent of culture. The idea that a just war theory is merely “Western” or “European” is somewhat like the idea that the science of physics is merely “Western” or “European.” Both claims are rough approximations to the truth in terms of the origin of these explicit intellectual practices, but this says nothing of their validity or their relations to parallel theories from other cultures. In fact, a great deal of writing in the Chinese philosophical tradition addresses precisely the questions that a moral theory about the resort to war and the conduct of war must address. The writings of Mo Tzu and Hsun Tzu are just two significant examples. The Mo-ist text “Against Offensive War” contains a critique of warmongering that would be at home with classical just war writings in the Western tradition. Its flavor can be gathered from the following quotation: “If the rulers and officials and generals of the world sincerely desire to promote what is beneficial to the world and to eliminate what is harmful, they should realise that offensive warfare is in fact a great harm to the world.”²⁰ Hsun Tzu’s strictures against waging war against civilians are equally significant in connection with the JIB.

As critics often point out, militarists and politicians have undoubtedly abused just war theory as a license for easy and destructive resort to war. As I understand it, however, and

as it has been increasingly interpreted by philosophers, theologians, and lawyers in the twentieth century, the ethic of the just war is restrictive. It insists not only on the justice of the cause for which war is conducted, but also on certain other restrictive conditions, chief among which are

- ▶ the proportionality of resort to war for such a cause (i.e., is the move to war, fully considering its effects, out of proportion to the offense occasioning it?);
- ▶ the requirement of “last resort,” which emphasizes the value of the peace that war breaks and cautions against too hasty a recourse to violence;
- ▶ the criterion of right intention, which orients the military action toward justice rather than revenge, bloodlust, or mere expansionism;
- ▶ the test of appropriate authority, which is aimed at keeping the resort to violence under the control that authority, at least in principle, can give it;
- ▶ the consideration of the realistic prospects for success, which is basically an attempt to rein in the passions of war by the desiderata of rationality in practical reasoning; and
- ▶ various moral criteria for the means used in waging the war, such as noncombatant immunity.

Many of these conditions might be justified in utilitarian terms alone, since it is plausible to think that the outcomes of observing them are likely to be optimal for all concerned. Others are more plausibly addressed from a nonutilitarian perspective, especially the requirement of noncombatant immunity. In broad terms, then, the just war tradition treats war as a sometimes necessary evil rather than a heroic romp, and in terms of just cause, the idea has been that war can only or principally be justified as a defensive measure, a defense against aggression. This has in modern times become the centerpiece of the JAB and the international law of war, which reflects the JAB to a large degree. One of the most instructive features of the debate about humanitarian intervention that emerged in the 1990s was its challenge to this paradigm.

Grounding the Paradigm

Before considering the challenge, however, we should briefly sketch the moral force of the idea of defense against aggression. The power of the defense-against-aggression model can be derived from the moral appeal of a simple model of legitimate self-defense. This goes roughly as follows. You are on your way home from work when you are set on by an attacker with an axe. In the ensuing struggle, you are surely entitled to defend yourself, and if you happen to have a gun in your pocket that you have, say, confiscated from a child at the school where you teach, then you are surely entitled to use it on the attacker, if all else fails, even to lethal effect. This is one version of the “domestic model” from which much of the modern theory of the just war can be derived. There are indeed problems extrapolating from an individual’s right of self-defense to that of a collective entity such as a nation, just as there are problems moving from a single pistol to an armory of nuclear weapons, but for the moment we shall leave these aside. The

crucial point is simply to note the elemental power of the idea of self-defense in justifying what would otherwise be illicit, namely, the violent killing of a human being.

Challenging the Paradigm: The Case for Intervention

The contemporary debate about intervention, when it is not simply an explicit, or disguised, debate about what great powers can get away with in pursuit of various geopolitical strategies, raises the question of whether legitimate aggressive wars can prevent or correct great wrongs. In some respects, as Bryan Hehir has pointed out, answering this question in the affirmative represents a return to a much earlier just war model that the current paradigm displaced.²¹ The reigning paradigm, it is true, had always recognized certain extensions of the antiaggression model, such as wars to help others defend themselves against aggression, wars against a clear threat to world peace, and interventions in civil wars to balance prior unjust interventions. But these all had a recognizable, if sometimes stretched, connection with defense against aggression. In recent years, the permissibility of interventions to prevent genocide within state boundaries has been suggested, and some have thought this could be seen as aiding or creating a defense against a sort of aggression. Now, however, we see increasing resort to arguments that advocate interventions to prevent egregious human rights abuses or other grave internal moral crimes. Stanley Hoffmann, for example, lists the following two categories:

- *Threats to international peace.* Primary candidates for this category are what Hoffmann calls “dangerous states,” though “failed states” may pose danger in this way also. He cites the plight of the Kurds in northern Iraq, the overthrow of President Aristide by armed thugs in Haiti, and the collapse of law and order in Somalia.
- *Massive violation of human rights.* This would include, for Hoffmann, the threat of genocide, as well as lesser, though awful, violations such as forced expulsions of populations and the sort of rampage killings that went on in Kosovo and East Timor.²²

There is a question about the degree to which such proposals depart at all from the existing restrictions of international law. Chapter VII of the UN Charter provides for military action in the case of threats to international peace, and there has been a movement among those eager to relieve suffering abroad to bring humanitarian intervention under this heading. Hoffmann is one who has such ambitions, and he sees support for this broadening interpretation in decisions of the United Nations and the Security Council.²³ This is a much-debated issue, and controversy about it was heightened during the intervention in Serbia on behalf of Albanian Kosovars. Since our topic is ethics rather than law, I shall bypass this debate and merely record my view that it is more plausible to suppose that the UN provision really envisaged a response to international aggression rather than to acts of internal suppression.

It is in any case unclear that the examples given by Hoffmann under this heading do represent threats to international peace, since other nations can seem fundamentally unaffected by such horrors as the military overthrow of Aristide or the Iraqi persecution of the Kurds. Where they are affected, it may be more a minor irritant than a major

disturbance. And if these are really threats to international peace, then so are numerous other occurrences in different parts of the world, such as the military coups in Pakistan and Ivory Coast in recent years. The same points will apply to attempts to bring massive violations of human rights under the current rubrics of international law. More important than the legality question, from the ethical point of view, is the question of whether the prominence given to defense against aggression, on which much legal regulation rests, needs radical revision in light of the problems created by tyrannical regimes or by failed or profoundly unstable states.

There is a powerful moral intuition at work in the thinking of those who advocate interventions that apparently go beyond current international law and depart from the self-defense model. It is the intuition captured by the word “rescue.” Humanitarian interventions are seen as attempts to rescue the innocent and helpless from persecution and extreme distress. (This is explicitly indicated by the rise of the phrase “the politics of rescue,” most notably used by Michael Walzer, who is himself a somewhat reluctant convert to the cause of interventionism.)²⁴ We can dramatize its appeal by resort to a simple analogy. You are (once more) on your way home from work and you see a very strong man involved in an argument with his own child. It’s noisy and unpleasant, but (you reason) it’s their family and none of your business, so you continue on your way. But as you pass by, the dispute rapidly heats up and the man begins beating the child with a heavy stick. You go so far as to protest and remonstrate with the man, but he tells you, in no uncertain terms, to get lost. He continues beating the child viciously and indeed draws a knife and begins to brandish it at him. You fear for the child’s life but still have your confiscated gun. Surely you should threaten the bully, and if the threats do not work, you are entitled to shoot. Similar considerations apply, the argument goes, at the level of states, where the amount of power exercised repressively and even murderously is so much greater. It is perhaps significant in this connection to note that the strong objections to “offensive war” made by Mo Tzu fall short of condemning the initiation of altruistic wars, and indeed he favors some righteous wars of punishment.²⁵ This is also allowed to some degree by the sixteenth-century European just war theorists, such as Vitoria and Suarez.

There is no denying the power of this intuition, and the images of death and displacement from Cambodia, Rwanda, Bosnia, East Timor, and Kosovo reinforce it.

The Sovereignty Debate and the Theory of Aggression

It is often argued that the opposition to military intervention or war for any purpose other than defense against aggression (or causes closely related to it) is based on the modern concept of sovereignty arising from the Peace of Westphalia, which put an end to the European wars of religion.²⁶ Simplifying somewhat, we may say that the concept limited states intervening militarily in matters that were the concern of other sovereign states and gave the sovereign states themselves the right to govern and decide on the use of force internally for control and externally for defense. This constituted the recognition of a form of “absolute sovereignty,” and it seemed required by the need to establish a peaceful stability. It is then argued that this concept is dangerously outmoded, since the idea of sovereign power has been eroded by the economic and informational processes known as “globalization” and by the development of cosmopolitan political processes associated with bodies

such as the United Nations and the various global NGOs. Moreover, the concept was always flawed insofar as it left citizens at the mercy of their governments, with frequently alarming consequences. The nation-state must now be regarded therefore as having “conditional sovereignty,” that is, sovereignty that is conditional on some minimal level of discharge of obligations to respect the human rights of its citizens. The critique and rejection of aggressive resort to war need to be viewed against this background and therefore amended appropriately.

There is undoubtedly something in this line of critique. The modern nation-state and its pretensions are by no means sacrosanct. Nonetheless, the reigning paradigm is not so easily dismissed. The opposition to intervention, even for the purposes of doing good, is based on deeper insights than the needs of a seventeenth-century political settlement, even though these insights had relevance to that settlement. There are two sorts of insight involved. The first concerns *the need to limit resort to war*. This puts an emphasis on restricting the impulses to violent solutions to political problems and does so by allowing such resort only in the most palpable circumstances of justification—for example, self-defense. If you are actually under attack you may be presumed to have a right (remember the simple domestic analogy) to the means needed to repel the attack. And much the same point seems to apply at the communal level. However, making the world safe for God, Democracy, or Free Markets may be presumed to yield a much less secure right to unleash large-scale killing and maiming. This is especially so when we consider the ambiguities inherent in that trinity of concepts.

The second concerns *the right to national self-determination*. Here, it is not Westphalia that is significant, but a combination of the much earlier insight that jurisdiction should have a strong local and popular element (which need not be the same as democracy) and the much later developments associated with decolonization that gave prominence to the ethical-political value of national self-determination.

These insights are in danger of being forgotten by those who are enthusiastic for humanitarian intervention. Both insights are moral though they have prudential components. The first needs no further explanation here, except to note that the concern to limit war extends beyond the nonaggression paradigm to the other just war restraints such as proportionality of response, likelihood of achieving aims, respect for the immunities of noncombatants, and the complex (and sometimes ambiguous) requirement of last resort.

The second insight needs some expansion under both elements of the combination. Colonialism got its bad name not merely from the explicitly exploitative and repressive policies of the colonial powers, grim as they commonly were, but also from the inherent difficulties foreigners face in understanding their subject peoples, in properly comprehending their religious, cultural, and historical circumstances. Colonialism is also intrinsically committed to certain attitudes of inequality built into the idea of imperial rule and encapsulated in McKinley’s patronizing remarks about Filipinos being “unfit for self-government.” The theme about “unfitness” is found even in so enlightened and profound a thinker as John Stuart Mill, whose famous essay on nonintervention made an exception to the prohibition on intervention for the case of “uncivilised” peoples.²⁷ Mill is emphatic that it is “a grave error” to “suppose that the same international customs

and the same rules of international morality, can obtain between one civilised nation and another, and between civilised nations and barbarians.”²⁸ It was a theme of the far less noble-minded Spanish conquistadors in South America, though they linked it to the paganism of the Indian peoples that allegedly deprived them of rights to self-government. This proposition was decisively undermined by a number of courageous Spanish theologians, notably Vitoria, Las Casas, and Montesinos, who argued for a natural right of self-government possessed by peoples, whatever their religion. The American Indians, said Vitoria, “undoubtedly possessed as true dominion, both public and private, as any Christians.”²⁹

The self-government argument needs supplementation by some account of what constitutes a “people” and what constitutes “self-government.” For the first, the idea of “a nation” when couched in ethnic terms is surely too narrow, and when couched in terms of state-identity it tends to beg the question. For the second, the requirement of democracy seems too strong, though it indicates the ideal, and the absence of rebellion seems too weak. Michael Walzer has made some effort to characterize the issue in terms of a certain kind of “fit” between a community and its government that disallows intervention even when the government is dictatorial or mistreating its subjects. Humanitarian intervention is then allowable only when the fit has radically broken down. Walzer’s position has its difficulties, and critics have not been lacking to point them out.³⁰ David Luban accused Walzer of being immersed in “the romance of the nation-state” and argued for a commitment to a defense of basic human rights by violence, if necessary, when the target state lacked the consent of its population.³¹

Walzer’s rhetoric is certainly somewhat romantic about the community and the state, but there is more to his position than the critics allowed, if only because the pragmatic realities tend to support it. Luban has recently shifted ground a little on this, and, from the other side, Walzer has also moved.³² The fact is that, at least for the time being, the system of relatively independent states seems likely to serve certain values, such as peace, order, local pride, and cultural integrity, somewhat better than various alternatives, such as the revival of benign imperialism. The critique of sovereignty has some merit, but it surely suffers from the remarkable fact that enthusiasm for conditional or qualified sovereignty is often asymmetrical. Many of those who are keenest on the conditional sovereignty of others commonly resist strenuously the slightest diminution of their own sovereign rights.

Just War and Humanitarian Intervention

The Burden to Be Met

One thing that emerges from the previous section is that any argument for humanitarian intervention has to overcome the presumptive case against aggressive war and has to discharge the other requirements of just war theory. This includes attention to the immediate good likely to be achieved and evil averted by intervention set against any violation of rights to self-determination involved, and against the consequences for world stability and peace that may be in prospect further down the road. Ethics is not only a matter of calculating consequences, but it does include the calculating of consequences and the weighing of different goods and evils, and just war theory reflects this in its requirements, especially that of proportionality. This should involve regard both for the immediate cause of preventing the current suffering or violation and for what aftermath is likely to ensue, and these two outcomes may well be in tension. A properly considered ethical perspective will always put some restrictions both on genuinely doing good and on “do-gooding.” For the purposes of our discussion I am going to assume that the criterion of “right intention” is met, at least for the stark cases of severe oppression that provoke calls for humanitarian intervention. By making this assumption, I do not mean to deny that nations will often be tempted to use the cloak of humanitarian intent for military adventures that have predominantly quite different motives. No less a figure than General Wesley Clark, supreme commander of NATO’s forces during the Kosovo intervention, seems now to have conceded that the primary motive for the NATO bombing of Serbia was to preserve the credibility of the NATO Alliance.³³ But the more interesting moral and political issues arise when we concede humanitarian motivation and address the other conditions of just war theory.

Just Cause

It is plausible to assume that the condition of just cause is also readily met for the situations of extreme oppression that raise the cry for humanitarian intervention, but there is one commonly voiced objection that can be viewed as a rejection of the claim to just cause (though in some forms it is perhaps meant as a criticism of right intention). This is the objection from lack of universality of response.

The objection is one of inconsistency. If humanitarianism is the issue, why intervene here and not there? It is notorious that civil wars, persecutions, widespread torture, forced refugees, and tyrannies occur in most parts of the globe. Intervention here and failure to intervene there surely show a flawed moral response, since what is right to do in one place must also be right to do in another exhibiting the same morally relevant

features. There is an implicit appeal here to a form of the universalization principle beloved of many moral philosophers, especially those influenced by Immanuel Kant.

There are several things wrong with this response in the present case and one thing right with it. The first point is that we should distinguish between a right and a duty to intervene: we may have both a right and a duty to intervene, but we may have a right without a duty. In the latter case, it is permissible for us to intervene but not obligatory. Most of the discussions about the ethics of intervention are concerned with the permissibility of intervention; this is understandable given the prevailing legal and moral presumptions against intervention. Were the question merely one of a right (but no duty), we could choose to exercise that right wherever we may do good, and it is no objection that we have not exercised it elsewhere. But in cases of extreme disaster, it may be thought that there is a duty to intervene (Henry Shue speaks of a “default duty” activated by the failure of the domestic state to act protectively),³⁴ and several commentators write as if that were so.

Does this give universality of response more bite as a criticism of just cause? Not very much more. For one thing, questions of capacity to respond and likely outcomes must condition where one chooses to relieve suffering. Thomas Weiss and others have plausibly invoked the idea of “triage” in this connection, since considerations of effectiveness and available resources will often determine who gets what help where not everyone can be assisted.³⁵ So, the risks to world peace involved in intervening on behalf of the Tibetans or the Chechnyans make nonintervention there morally sane rather than a dereliction of duty, even though this means tolerating great sufferings. For another thing, it may be argued that certain relationships can legitimately dictate the choice when a choice must be made.

There is something of a divide in moral theory here between those who give a special weight to the demands of certain relationships and those who do not (or do so only reluctantly and indirectly). Classical act utilitarianism claims that, in calculating the greatest happiness of the greatest number, we must be totally impartial among all those affected. The most striking case of this is provided by William Godwin, writing at the end of the eighteenth century, who declared that if someone is faced with the choice between rescuing his mother or Archbishop Fenelon from a burning building, he should totally disregard the fact that the woman is his mother and rescue the cleric (who, Godwin claimed, was likely to do much more good for humanity if he survived). Godwin set the relevance of the personal pronoun “my” at nought compared with the findings of “impartial justice.”³⁶ But the normal conscience is plainly not so indifferent to the claims of kinship, friendship, and love, and, indeed, there was such a public outcry at the example that in later editions of his book Godwin changed the abandoned victim from mother to father, brother, or benefactor in order to soften the blow. A further complex question is what restrictions should be put on filial and other partialities, and a further question again is how far the partiality of bonds should extend. In the case of intervention, can it be a relevant factor in deciding where to intervene that this state is European, that state is Asian, and the other state is African? I raise this question, not because I have a clear-cut answer, but because it highlights questions of race, ethnicity, and culture in a disturbing way. It also points to something

right lurking in the mostly misguided demand for universality. This is the fact that disparate responses to exterminations need close examination lest they do contain elements of mere prejudice, illegitimate partiality, or sheer blindness to need elsewhere. Many believe, though I am not persuaded myself, that the failure to intervene in Rwanda poses this question very sharply in terms of the role of race. More generally, we may ask why the humanitarian impulse is so relatively silent about the ravages of AIDS in Africa, where military interventions are irrelevant but where medical and social measures might prove invaluable. The consistency challenge is worth raising even if it is not decisive in every case.

Right Authority: Who Is to Intervene?

An ethical dimension to this question can be seen by imagining that we had in place some legitimate form of world government, presumably in the shape of a federation. When a potentially violent police action was required to restore seriously violated human rights in one of the states that was a component in the federated world government, the action taken would have to be centrally authorized. It would be wrong for a powerful neighbor state simply to take the (international) law into its own hands. Even in the absence of a world state, there is a similar, if weaker, presumption against unilateral action. This is partly because there exists in the United Nations, with all its faults, some shadow of the international authority that a world state, as envisaged, would possess. It is also related to the broad requirements of impartiality in the exercise of justice that any humanitarian intervention purports to serve. The more an intervention is removed from the partial interests of particular states, especially powerful ones, the more likely it is to approximate justice, and the more likely it is to be perceived as legitimate by the parties in conflict and by the international community.

On the other hand, this requirement raises serious practical questions about implementation since a single agent is often likely to be more decisive and act with greater unity of purpose. The UN Security Council is also a cumbersome mechanism for achieving justice since the existence of the veto means that powerful states are in a position to block humanitarian interventions that do not serve their interests. As Kofi Annan has acknowledged, there is no simple way to resolve this dilemma, but what is suggested by the legitimating role of the United Nations is that no unilateral intervention can have adequate legitimacy unless it is in some significant way authorized by the United Nations.³⁷ One possibility is that, when a veto is exercised, a simple majority of the Security Council or of the permanent members could confer a moral authorization for intervention. The condition of UN authorization should also apply to multilateral interventions, since without UN authorization they will invariably wear the appearance of sectional bias. "Coalitions of the willing" have certain obvious advantages, usually to do with regional associations and a perception of joint national interests, but one cannot ignore the possibility that the willingness may arise, or be understandably perceived to arise, from motives of domination. The need for UN authorization can do something to reduce this possibility. All interventions that bypass the United Nations at least need a very strong case to rebut the presumption that they are ethically dubious.

Proportionality and Its Ambiguities

The first thing to be said about proportionality is that a response to humanitarian need should itself be humanitarian. No less than other military activities, altruistic military interventions should ensure that they do not do more harm to human rights than the harms they aim to correct or prevent. If one ethnic group is engaged in genocidal activities against another, then the wrong way to respond is to visit genocide on them in return. Proportionality is not a matter of imitating the enemy but of giving a morally appropriate response. (It is worth noting that the same point applies to defensive responses to terrorist attacks.)

The second issue to consider is the scale of likely outcomes of a military intervention. The prevention of Russian atrocities in Chechnya by military means would have been too dangerous for world peace and involved disproportionate risks. A response proportionate to one situation may be disproportionate to another situation that is similar in terms of oppression but dissimilar in context and in the likely consequences of intervention.

A third issue, overlapping to some extent with the just cause condition, concerns whether the violations are grave enough to require intervention. There is a high degree of moral and political consensus that human rights violations have to reach a certain plateau of “outrage” before such intervention even seems morally feasible.³⁸ Persistent rigging of elections, state torture of small numbers of dissidents, and drastic restrictions of free speech are all plausibly viewed as grave denials of human rights, but they seem inadequate to create the demand for intervention. Why is this?

Part of the answer may reside in the residual power of the idea of state sovereignty and related ideas of the good of self-government (see above), and part of it concerns the grossness of the oppression and the way it is perceived within the target state. Part, no doubt, is the recognition that various deplorable injustices disfigure the workings of all political communities, so that intervention would become unmanageable if required to deal with that scale of wrong. The interveners would also have less authority to act when they could so readily be subject to a *tu quoque* retort. Amnesty International, for instance, lists 142 countries and territories, many of them democratic, where governments and oppositions committed serious human rights abuses in 1998. Some of these violations are controversial; they include, for instance, the practice of capital punishment, which is a notable feature of public life in the United States.³⁹ Yet this only highlights the problem of taking systematic violations of human rights (or “basic, civil and political rights” as Tesón has it)⁴⁰ as criterial for humanitarian war. Those of us who regard capital punishment as such a violation would not think of initiating humanitarian war to eradicate its practice, even were it feasible to do so.

David Luban, who eloquently supported intervention for human rights violations against Michael Walzer’s more cautious position in the late 1970s, and whose work is often cited in this connection, has recently modified his position, arguing that intervention is justified only for acts of barbarism.⁴¹

A fourth problem that has emerged in recent years and deserves treatment here (though it is partly a matter that relates to the criterion of prospect for success) is that of “cost-free intervention.” A significant element in the current debate about humanitarian

intervention is that the various guidelines laid down by Western governments considering the problem insist on conditions for intervention that are profoundly self-regarding. In some respects this is merely prudent, but there is reason to believe that the emphasis on interventions that will be cost-free to the interveners in terms of risk to their own forces (though not so much in terms of money expended) has become excessive because it leads to a disproportionate response to the problem. It is very understandable that interveners want to minimize risks to their own forces; the concern for one's own troops represents a moral advance over many military policies of the past—for example, the treatment of one's own soldiers as the merest cannon fodder in the trenches of World War I. In democracies, there is also a question of the political costs of acting in defiance of widespread public fears.⁴² Nonetheless, if the saving of foreigners from massacre or mass expulsion from their homelands is a worthy cause for war, then governments and commanders must be prepared to put troops in harm's way.

The refusal to do so inevitably leads to the reliance on remote forms of air power and technological wizardry that tend to shift the damage on to largely blameless civilian populations, as in the bombing of Serbia. The damage in terms of immediate killing of civilians, estimated by the London *Times* to be in the order of fifteen hundred,⁴³ is significant enough, and Amnesty International considered that such NATO killings “may have violated international humanitarian law.”⁴⁴ But in addition to this, the bombing of what are called “dual-purpose” targets (especially power, water, and transport facilities) has clearly created a serious humanitarian problem for the Serbian civilian population and for many beyond the borders of Serbia (e.g., in the disruption of the Romanian economy).

Last Resort: Exploring the Alternatives

The just war provision of “last resort” contains many puzzles and ambiguities, especially those that raise semantic and logical problems having to do with what it can mean to call something a last resort. There will always be *something* that might be tried as an alternative to violence, but if there is a great evil to be prevented, we cannot be expected to wait on every possibility other than effective violence. Clearly, some principle of feasibility is required to screen the realistic availability of alternatives to violence. And it needs to be remembered that waiting to try numerous such options may actually reduce the likely effectiveness of the military option when it is tried.

Nonetheless, bearing these difficulties in mind, the criterion of last resort has a commonsense interpretation in which it functions as a reminder that the resort to violence must be, to a significant degree, reluctant. It enjoins us to make serious efforts at peaceful resolutions of our political problems before resorting to the sword. The term “peaceful” is itself open to varied interpretations, depending on how rich or thin a notion of peace is in play.⁴⁵ Here I mean to include a comprehensive range of nonviolent methods that may certainly involve pressure and coercion. In the case of intervention, the emphasis needs to be put on such nonviolent efforts, including coercive interventions of an economic and political nature.

These include what Alexander George has called “coercive diplomacy” or “forceful persuasion.”⁴⁶ George's definitions of this phenomenon are a little loose, but they are meant to cover threats of violence and lesser forms of deprivation, as well as the combi-

nation of these with concessions, promises, and other “carrots” or positive inducements. Threats to withdraw existing support, such as aid, trade status, or diplomatic recognition, or threats not to proceed with economic or political aid that has been anticipated, are coercive interventions in domestic affairs in that they exercise power in seeking to constrain the choices of national agents. The imposition of economic sanctions constitutes an extreme form of such coercion, and this can shade into violent measures, as when a sanction regime is enforced by military means.

Clearly, there are more problems with some of these than with others. Sanctions, in particular, were once viewed as a clean alternative to violent intervention, but they can now be seen often to have very harmful effects on the least guilty and only minimal impact on the primary agents of the evil they were intended to prevent or restrict. Of course, there are sanctions and sanctions. One of the most successful forms of sanction, only partly economic, was the sporting sanction imposed on South Africa that had a great imaginative impact on a fanatically sports-loving society and politically hurt the predominantly oppressive white community more than the black, though it did not cause starvation and death.

The other problem with sanctions is that they are sometimes difficult to operate and frequently take time to have an effect, but in many cases military intervention and other military enterprises are also protracted (witness the miscalculations about how long the bombing of Serbia would need to go on, and, more dramatically, the U.S. misjudgment about the scope and duration of its involvement in Vietnam). Both persuasion and certain nonviolent coercive measures should be employed in the early stages of a crisis, or as a crisis looms, when opportunities for prevention or mitigation of humanitarian disasters may present themselves or can be constructed.⁴⁷ This sort of prevention is likely to be less costly and less damaging than the military response to the headline-grabbing disaster, though it is a curious quirk of human psychology that it is easier to create support for very expensive, dramatic military efforts, especially where the risks to the interveners are low, than for cheaper nonviolent activities aimed at prevention.

Another form of sanction that is in the process of development and needs further encouragement is the criminal sanction of law. War crimes tribunals, the international criminal court, and even foreign domestic courts have deterrence potential as well as retributive power; though their processes are slow, they target only individuals, and they have difficulty getting those they indict to appear, the political impact of courts is significant and likely to increase. Indicted political and military leaders may be secure for a time in their own countries, but (as the Pinochet case showed) they will be at risk traveling abroad and can have no confidence in immunity if the leadership in their own nation changes, as eventually it is very likely to do.

These nonviolent approaches are not guaranteed to work and they need imagination and political savvy in their implementation if they are to be successful, but both these points apply to the use of violence as well.

The Prospects for Success

It is particularly important here that enthusiasm for rescue not swamp a prudent assessment of what armed intervention can and cannot achieve. What counts as success is to

some extent determined by the aims one sets for a campaign, and limited aims make success more likely. Even so, if aims are too limited, then what success is achieved may fall short of the success demanded by the humanitarian crisis. The point about limitations is a difficult one since it was observed strictly in the Gulf War, with the result that Saddam Hussein is still in power. Even so, it is not at all clear what the internal political consequences of external military overthrow of Hussein would have been, given the divided opposition forces, the ethnic hostilities, and the religious oppositions in Iraq. Current discussion in the United States about further major military interventions in Iraq needs to take these uncertainties into account.

There is a conflict here between different understandings of success. Should we think of success in a short-term way as saving these lives now, or restoring these people to their homes, or should the criterion of success embrace longer-term objectives such as ensuring political stability and enduring safety for any in the area threatened with the same kind of persecution? Clearly, both accounts of success have their attractions, but equally clearly they are in tension in that they dictate different policies and forms of intervention. In particular, the shorter-term objective is compatible with and, in some respects, suited to military procedures, whereas armed forces alone are unlikely to deliver the longer-term objectives.

My earlier discussion of the simplified example of responses to childbeating brings out some of the tension involved between the two interpretations of success. You kill the father, thus preventing death or severe damage to the child, but then who is to look after the child? Within the structures of a stable state, trained personnel will deal with this question and relocate the child, but in the international realm the parallel question is much harder to address, a lesson that is still being painfully learned in Kosovo and neighboring areas. The metaphor of rescue needs completion not only with the phrase "from what" but also with the phrase "for what." We need to understand both the complexities of the background to the crimes and disasters and the best way forward in the light of that.⁴⁸ For many international situations, the appropriate domestic analogy would be a father visiting dangerous violence on some of his children while the others either stand by or actually help with the beating. After the father is killed or removed, what do you do with the rest of them?⁴⁹ There is also the question of the adequacy of your response in the first place. I have imagined you with a gun, but suppose all you have is a heavy cane. Maybe you can prevent the violence with counterviolence, but maybe you will gravely endanger your own life or by blundering in escalate the antagonism against the victims.

Advocates of the short term will say that at least we saved this child's life here (or these people's lives now), but the long-termers will say that this is small comfort if our intervention merely delays the death for a day and makes it likely that others die with him in response to the intervention. Furthermore, if you are going for the longer term, you will need more than mere violent intervention. Some longer-term solution is ideally preferable in both the domestic and the international spheres, since most short-term solutions risk futility. But "longer-term" cannot be too long. An intervention must avoid escalating into a colonial saga or even an enduring protectorate.

But even sensible longer-term solutions that avoid these perils require many things that are not readily available. First, they require nonmilitary techniques and personnel;

second, they require a commitment of will over a relatively long time; and third, they require the dedication of financial and other resources for an unglamorous long haul. They necessitate, in short, what Thomas M. Franck has called a “holistic approach” to humanitarian rescue.⁵⁰

Facing the Future

I have been arguing that the moral presumption against unsought military intervention in the affairs of other nations is broadly defensible in just war terms and should still carry considerable weight even when the primary motive for intervention is humanitarian. But when peaceful alternatives fail, the cries of the victims will still carry an urgent appeal to conscience. Sometimes, even here, there will be nothing that a resort to violence can, or should, achieve. We cannot solve every problem, we cannot answer every cry, and it is a particularly dangerous illusion to think that we can solve every problem with military might—a lesson that the “war against terrorism” also needs to learn. Nonetheless, outsiders may be able to solve, or help solve, some. I think that this is true and that the presumption against armed humanitarian intervention is rebuttable in certain circumstances.

Given that, does the moral framework provided above have any practical lessons for confronting future calls for humanitarian military intervention? The primary lesson is that institutional reforms or broad policy and institutional orientations that would make for more ethically acceptable intervention need to be in place before the future crises loom. These are principally concerned with meeting some of the difficulties raised under the just war headings discussed earlier.

Moral Legitimacy, the United Nations, and International Collaboration

The United Nations must really be taken more seriously, both as an authorizing source of intervention and as a principal agent of it. The major powers, including the United States, must cease trying to bypass the United Nations or using it to provide a fig leaf of respectability for largely hegemonic activities. The persistent attempt to substitute partial military alliances such as NATO for the United Nations is bound to be destructive of what authority the United Nations has. It is also likely to alienate the non-European world (and part of Europe) from otherwise legitimate attempts at intervention. This would require a major shift in mainstream American attitudes to the world body, which are far too often as hostile as they are ill informed. True, there are many things that need reform in the United Nations, but it is still a primary locus of hope for peace through much of the world, and positive efforts to build it up rather than ignore or undermine it are required.

Since the United Nations, with all its faults, is still viewed in most of the world as the primary agent of international legitimacy, UN authorization of interventions should remain the norm. The NATO action against Serbia was blemished from the beginning by its ignoring of the Security Council. The problems posed by the likelihood of a

Chinese or Russian veto were certainly real, but UN approval for the operation should at least have been sought. It may be that a different form of military intervention or the threat of it might have been approved, or that some form of intervention might have reasonably proceeded in the face of what could have been represented as a blatantly misguided veto.

Arrangements for Peacekeeping and Peacemaking

We need to continue efforts to develop a coherent and reasoned restructure of the United Nations' understanding of its role in deploying armed forces for peace activities. Much of the debate here has focused on the role and nature of the ideal of "neutrality," which many believe needs to be questioned for some sorts of peace operations. Here a distinction needs to be made between peacekeeping and peacemaking. Traditional peacekeeping was understandably committed to a norm of neutrality because its role was to police existing truce or settlement arrangements that required evenhandedness between the sides that had agreed to invite the United Nations to support the truce. Even here, there may be need for some reinterpretation of "neutrality" in the face of palpable brutality. Rules of engagement that require peacekeepers to turn a blind eye to atrocities are clearly inadequate. But any such change in attitude would require an accompanying change in the equipment and resourcing for peacekeepers, and it is a delicate matter to decide how this can be done without too great a shift in their role.

Peacemaking is another matter. It requires positive involvement in stopping conflict and restoring peace. When this involvement demands military activity, peacemaking becomes fraught with problems. There were high hopes held for the expansion of the United Nations' peacemaking role in the mid-1990s, but these hopes are now at least held somewhat less confidently. Part of the problem here is the lack of resources that nations are prepared to commit to the United Nations for either peacekeeping or peacemaking.

Contrary to public perception, for instance, the amount that the United States directly contributes to UN peace operations is very small. In the mid-1990s, the United States ranked only twenty-third among advanced industrial democracies in the percentage of GNP devoted to foreign aid, and it contributed only 963 out of 67,000 personnel to UN peacekeeping operations in the same period.⁵¹ Given the wealth of the United States, these figures are at best surprising and at worst shaming. But a further problem is the unrealistic ambitions that peacemaking efforts tend to have. The expression "nation building" can be seriously misleading here. The expression masks both a practical and an ethical problem. The practical one is that of sustaining such peacemaking over the long haul that it is usually going to require, for this is likely to be very costly in financial and political terms. The ethical problem is that nation building is essentially something that nations have to do for themselves. They can be given advice and money, but their nation cannot be built for them by foreigners. Inevitably, conflict and resentment will arise because nation building essentially requires the exercise of autonomy. It is fashionable to cite as evidence against this the successful rebuilding of Germany and Japan by the Allied forces at the end of World War II. But these cases are not sufficiently analogous to the cases that now exist and are likely to exist in the future. Germany and Japan had been physically and institutionally demolished by the Allies,

who had an obligation and right to rebuild the defeated nations, and a war economy and manpower to sustain the task.

It is clear that if the United Nations is to be seen as the primary focus of justified interventions, then not only will its authority and power need to be strengthened, and some constraints on them weakened (e.g., some renegotiating of the veto power), but also the institution will have to be supported by the great powers even when such support is not in their short-term interests.

The Need for a UN Intervention Force

One thing that is clearly indicated by the difficulties discussed earlier is the need to develop a volunteer force, independent of national sovereignties, under the command of the United Nations. This would be a rapid deployment force. In 1995, Boutros Boutros-Ghali presented the rationale for one: "I have come to the conclusion that the United Nations does need to give serious thought to the idea of a rapid reaction force. Such a force would be the Security Council's strategic reserve for deployment when there was an emergency need for peacekeeping troops."⁵² Although the secretary-general refers only to peacekeeping, the idea is readily adaptable (and indeed more suitable) to peacebuilding or peacemaking. As Franck argues, any such force would consist of specialists with a common training, who had developed a tradition and fund of experience in peace operations, who would be ready for immediate posting, and whose availability would not depend on the political vagaries of particular state jurisdictions.⁵³ The proposal is by no means utopian; it was first advanced in the early 1990s and has the support of such distinguished advocates as Sir Brian Urquhart and the political endorsement of a number of smaller nations with a significant record of support for UN peace operations. It would be costly, especially if it was complemented by the development of a similar nonmilitary corps in line with the holistic approach. Nonetheless, it would probably be less costly than the current ad hoc and dispersed efforts, and it is much more likely to promote success (understood in the broader sense). In any case there are creative ways of meeting these costs that have independent merit, such as a small percentage tax on currency dealings (akin to the airport taxes for international travelers).

Holistic Solutions

We have noted the importance of nonviolent approaches as *alternatives* to solving the problems for which military intervention is often advocated, but here I would stress the importance that such approaches should have as *accompaniments* to military intervention. This importance arises from the considerations discussed in the previous section. Although there are those who are confident in the peacebuilding capacities of the military, I think that their confidence is misplaced and that the military are generally ill suited for this role. This is not to say that the military should be insensitive to the need to support the reconstruction of civil society; at the very least, they should place no hindrances on the development of appropriately local, democratic political institutions. Indeed, it is important that their training help develop sensitivity to the importance of local initiative and autonomy. But the skills relevant to such tasks will inevitably be secondary to their primary orientation, and this means that tasks such as policing, interim

administration, relief supplying, helping to arrange and monitor elections, and providing economic and humanitarian aid must be in other hands. There are many problems raised even by the provision of such pacific aid, but unless serious efforts are made in these directions, military “rescue” will be at best partial and at worst futile. The UN agencies, various NGOs, and civilian agencies from neighboring countries that are authorized by the United Nations should be utilized here since nonmilitary “coalitions of the willing” probably make more sense in these contexts than their military equivalents. None of which is to deny the importance of the difficult tasks of liaison and cooperation between the military and civilian agencies.

Cooperative Multilateral Action

I have already discussed the merits of multilateral action, but there is a strong tendency in recent writing on humanitarian intervention to stress the uniquely important role of the United States as the sole superpower. One of the many ironies of the humanitarian intervention debate is that Americans who have been strongly critical of their country’s past interventionist record (in Latin America, for instance) are often loudest in their demands that the United States take the lead, or act unilaterally, with its military might in humanitarian causes. Their case rests on the preeminent power and wealth of the United States, which they equate with a capacity to deliver the desired humanitarian outcome. But where this capacity is construed in military terms the outcome is likely to be ambiguous at best, as in Kosovo, and in a different way in Somalia. As Americans have begun to realize since September 11, the dominant power of the United States is an ambiguous asset. It can help to solve problems, but, if used incautiously, it can have the effect often created by bulls in china shops. The unequaled national might of the United States is envied, feared, misunderstood, and interrogated by those who feel its impact, especially in military forms. The undoubted reserves of altruism in U.S. politics would be better channeled into much greater financial and civilian support for multilateral activities and for genuinely collaborative peacekeeping and peacemaking.

Avoidance of Demonization

This is not so much a requirement for institutional change as a warning against a circumstance that can prompt unwarranted intervention or blight the conduct of an otherwise legitimate intervention. When there is evil abroad, as we may assume in the cases that most plausibly prompt calls for humanitarian intervention, it is tempting to concentrate all of it in particular persons and groups, ignoring its presence elsewhere in the target situation or the region affected, or indeed in ourselves. This can profoundly distort perceptions and actions in the context of intervention. One classic case of this was Anthony Eden’s demonizing of Egypt’s Gamal Abdel Nasser in the Suez crisis; another was the United States’ demonizing of the Ayatollah Khomeini (and his counterdemonizing of the United States as “the Great Satan”), which made the United States supportive of the (now “satanic”) Saddam Hussein during the Iran-Iraq War. The Balkans conflicts have seen the same phenomenon at work in the tendency to demonize Serbs as a whole and in the incapacity some have shown to take legitimate Serbian concerns about the Kosovo Liberation Army and its activities sufficiently seriously. In the wake of the September 11 terrorist

bombings of New York and Washington, it was reassuring that the U.S. government resisted the tendency to demonize the whole Muslim or Arab world. None of this is to deny that some political leaders are worse than others, often conspicuously, and that some are purely murderous.

Conclusion

Despite all its paradoxes, the cry for destruction and killing in defense of human rights and for prevention of human suffering makes a certain appeal to the John Wayne lurking within us all. And sometimes, rarely, this appeal will be legitimate. But it is bedeviled by the problems discussed above. In addition, the attractions of decisive violence frequently tend to distract us from the more fundamental, though less glamorous, task of reconsidering and reconstructing our domestic and international politics so that our world will be a somewhat less dangerous and exploitative place for all its inhabitants. The current drive to solve the problems of terrorist attacks by “a war against terrorism” may well involve the same unbalanced confidence in violent solutions. We can admit the grain of truth in the cynical slogan, “If you want peace, prepare for war;” but the surer path to a more tranquil world is to prepare for peace directly.

Notes

1. Charles Krauthammer, “The Short, Unhappy Life of Humanitarian War,” *National Interest*, no. 57 (fall 1999): 8.
2. Fernando Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (New York: Transnational Publishers, 1998), 15. Tesón adds: “A further requirement is that the intervention be welcomed, actually or ideally, by those citizens whose human rights are being violated.”
3. William McKinley quoted in Henry Steel Commager, “Ethics, Virtue, and Foreign Policy,” in *Ethics and International Relations: Ethics in Foreign Policy*, vol. 2, ed. Kenneth W. Thompson (New Brunswick, N.J.: Transaction Books, 1985), 127–137.
4. Adam Roberts, “NATO’s ‘Humanitarian War’ over Kosovo,” *Survival* 41, no. 3 (1999): 104. Roberts says that the striking unanimity of the NATO members in taking action was inspired not least by “a sense of shame” at failures to act during the Yugoslav wars of 1991–95.
5. See Adam Roberts, *Humanitarian Action in War*, Adelphi Paper no. 305 (Oxford: IISS and Oxford University Press, 1996), 7.
6. Stanley Hoffmann, *World Disorders: Troubled Peace in the Post–Cold War Era* (Lanham, Md.: Rowman and Littlefield, 1998), 153.
7. Roberts, *Humanitarian Action in War*, 19.
8. The consent condition is also problematic for those situations in which there is no longer any plausible candidate for local political sovereignty or legitimacy, as in what are commonly called “failed states.” Although such societies are very troubling, they are relatively rare, and so I shall not spend time on developing an adaptation of the consent condition to cover their circumstances, though I believe it could be done.
9. Paul Kahn argues that the term began military life with a connotation quite different from that which it has today, being used to refer to military efforts to rescue one’s own citizens from danger in foreign parts. Such interventions would now be thought of as dictated by “national interest,” though “national ties” or “honor” might be more appropriate. See Paul W. Kahn, “From Nuremberg to The Hague: The United States Position in *Nicaragua v. United States* and the Development of International Law,” *Yale Journal of International Law* 12, no. 1 (1987): 45 n. 161. Other authorities, however, seem to consider the present usage part of the original meaning; see, for instance, the discussion in Ian Brownlie, *International Law and the Use of Force by States* (Oxford: Clarendon Press, 1963), chap. 18.
10. Tesón, *Humanitarian Intervention*, 104.
11. *Ibid.*, 105.
12. The secretary-general called for “a new, more broadly defined, more widely conceived definition of national interest” for the new century. See Kofi Annan, “Secretary-General Presents His Annual Report to General Assembly,” transcript of speech to 54th United Nations General Assembly, September 20, 1999, press release no. SG/SM/7136 /GA/9596, <http://www.un.org/News/Press/docs/1999/19990920.sgs7136.html> (date last accessed, December 18, 2001).
13. Felix Oppenheim, *The Place of Morality in Foreign Policy* (Lexington, Mass.: Lexington Books, 1991), 11.
14. Plato, *The Republic*, 352D. Socrates’ question is probably better translated as “How should one live?” but that nuance need not concern us here.

15. Here is one from President William Taft in 1912, aimed at the Mexicans: “We are not going to intervene in Mexico until no other course is possible, but I must protect our people in Mexico as far as possible, and their property, by having the Government in Mexico understand that there is a God in Israel and he is on duty.” Taft quoted in Johan Galtung, “U.S. Foreign Policy as Manifest Theology,” in *Culture and International Relations*, ed. Jonsuk Chay (New York: Praeger, 1990).

16. J. Bryan Hehir, “Intervention: From Theories to Cases,” *Ethics and International Affairs* 9 (1995): 7.

17. Ibid.

18. I have discussed the problems of “legitimist” definitions more fully in “The Idea of Violence,” *Journal of Applied Philosophy* 3, no. 1 (1986).

19. For a good recent account of just war thinking, see A. J. Coates, *The Ethics of War* (Manchester, U.K.: Manchester University Press, 1997).

20. Mo Tzu, “Against Offensive War,” in *Basic Writings of Mo Tzu, Hsun Tzu, and Han Fei Tzu*, ed. and trans. Burton Watson (New York: Columbia University Press, 1967), 60–61.

21. Hehir, “Intervention: From Theories to Cases,” 5ff.

22. See Hoffmann, *World Disorders*, 161–164.

23. See Stanley Hoffmann, “Sovereignty and the Ethics of Intervention,” in *The Ethics and Politics of Humanitarian Intervention* (Notre Dame, Ind.: University of Notre Dame Press, 1996), 28–29.

24. Michael Walzer, “The Politics of Rescue,” *Social Research* 62, no. 1 (1995).

25. Mo Tzu, “Against Offensive War,” 56.

26. For an influential argument related to this, see Hehir, “Intervention: From Theories to Cases,” 6. Also Henry Shue, “Conditional Sovereignty,” *Res Publica* 8, no. 1 (1999): 1–7.

27. See John Stuart Mill, “A Few Words on Non-Intervention,” in *Collected Works*, vol. 21, *Essays on Equality, Law, and Education*, ed. John M. Robson (Toronto: University of Toronto Press, 1984), 118–120.

28. Ibid., 118. Mill’s wholehearted defense of British imperialism and the civilizing mission of the English also invokes what might well be called “English exceptionalism.” In comparison with other civilized nations, England is “a novelty in the world” (p. 111).

29. Francisco Vitoria, *On the American Indians*, in *Political Writings* (Cambridge: Cambridge University Press, 1991), 250. Vitoria thinks that if it could be shown that the barbaric state of the Indians was such that they could be regarded as virtually mad, then they might have to be governed by others for their own good (though certainly not for the profit of those others), but he considers this prospect merely “for the sake of argument” and palpably does not believe the madness premise.

30. See, for instance, Tesón, *Humanitarian Intervention*, 88–94; David Luban, “Just War and Human Rights” and “The Romance of the Nation State,” *Philosophy and Public Affairs* 9 (1980): 160–181 and 392–397, respectively; G. Doppelt, “Walzer’s Theory of Morality in International Relations,” *Philosophy and Public Affairs* 8 (1978–79): 3–26; and Charles Beitz, “Nonintervention and Communal Integrity,” *Philosophy and Public Affairs* (1979–80).

31. Luban, “The Romance of the Nation State.”

32. See David Luban, “Intervention and Civilization: Some Unhappy Lessons of the Kosovo

War,” in *Global Justice and Transnational Politics*, ed. Pablo de Greiff and Ciaran Cronin (Cambridge, Mass.: MIT Press, 2002); and Walzer, “The Politics of Rescue.”

33. As reported by Michael Ignatieff in a review of Clark’s book, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat*, in *The Age*, October 8, 2001, 11.

34. Shue, “Conditional Sovereignty,” 8–9.

35. Thomas G. Weiss, “Triage: Humanitarian Interventions in a New Era,” *World Policy Journal* 11 (1994).

36. William Godwin, *Enquiry Concerning Political Justice* (Middlesex, U.K.: Penguin, 1976), 169–170.

37. Annan, “Secretary-General Presents His Annual Report to General Assembly.”

38. Hannah Arendt has explored a connection between violence and rage in her *On Violence* (New York: Harcourt Brace Jovanovich, 1969), esp. 63.

39. Amnesty International, *Amnesty International Annual Report 1999* (New York: Amnesty International Publications, 1999).

40. Tesón, *Humanitarian Intervention*, 117.

41. Luban, “Intervention and Civilization.”

42. As several commentators have pointed out, it is not clear that there is quite as much public opposition to humanitarian military operations (including interventions) that involve genuine risks to the lives of troops as is commonly believed. At least this seems so prior to intervention and in its early stages. But what worries politicians is public opinion when the body bags start arriving.

43. “The War So Far,” *Times* (London), World Wide Web edition, May 23, 1999.

44. Amnesty International, *Amnesty International Annual Report 2000* (New York: Amnesty International Publications, 2000). Amnesty International gives a figure of five hundred civilians killed by NATO, though it is somewhat unclear from the report whether this is meant to be civilians in Kosovo alone, as the context seems to indicate. Estimates vary dramatically about the number of civilians killed by Serb forces in Kosovo, though the U.S. State Department claims that “probably around 10,000” Albanian Kosovars were killed in the Serbian purge. This is at the high end of estimates and does not distinguish civilians from Kosovo Liberation Army combatants. Moreover, the vast majority of these killings occurred during the dreadful expulsion of Albanian Kosovars by Serb forces *after* the NATO bombing campaign began. See U.S. Department of State, *Ethnic Cleansing in Kosovo: An Accounting*, Archive Site, January 20, 2001.

45. Jeff Ross and I sketch some of the relevant distinctions in “St. Augustine and the Ideal of Peace,” special issue on St. Augustine in *American Catholic Philosophical Quarterly* 74, no. 1 (2000): 153–161.

46. Alexander L. George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War* (Washington, D.C.: United States Institute of Peace Press, 1991).

47. This was again an emphasis of Kofi Annan’s 1999 address cited above.

48. Similar doubts about the idea of rescue have been raised by Amir Pasic and Thomas G. Weiss, “The Politics of Rescue: Yugoslavia’s Wars and the Humanitarian Impulse,” *Ethics and International Affairs* 11 (1997). The authors comment, “Rescue is misleading in that it fails to acknowledge the possibly irreparable disorder which preceded the crisis that motivated the rescue” (p. 129).

49. The comparison with family violence is only an illustrative analogy for certain purposes. I do not mean to endorse the view that state-citizen relations closely mirror parent-child relationships.

50. Thomas M. Franck, "A Holistic Approach to Building Peace," in *Peacemaking and Peacekeeping for the New Century*, ed. Olara A. Otunnu and Michael W. Doyle (Lanham, Md.: Rowman and Littlefield, 1998), 275–296.

51. Cited in Stephen A. Garrett, *Doing Good and Doing Well: An Examination of Humanitarian Intervention* (Westport, Conn.: Praeger, 1999), 171–172.

52. Boutros Boutros-Ghali, *Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, A/50/60-S/1995/1, January 3, 1995; and *An Agenda for Peace*, 2d ed. (New York: United Nations, 1995), 18 (A44).

53. Franck, "A Holistic Approach to Building Peace," 292.

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