

HUMANITARIAN INTERVENTION: INTERNATIONAL MORALITY OR GLOBAL IDEAL?

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ABSTRACT

Drawing upon Strawson's contrast between social morality and individual ideals, this paper develops a distinction between international morality and global ideals. International morality, it is argued, consists of rules regulating the conduct of those occupying the role of statesman. Thus the morality of coercive humanitarian intervention, for example, depends upon its conformity to these rules. Much recent thought on this issue, however, justifies intervention in terms of some global ideal, of which there are many, and this, it is claimed, is a mistake.

Key words: ethics; intervention; role; statesman.

1.

Nearly fifty years ago Peter Strawson published an article entitled "Social Morality and Individual Ideal."¹ This paper draws a distinction which, surprisingly perhaps for Strawson's place and time, harks back, at least in its terminology, to Hegel. For Strawson wishes to distinguish between morality and ethics, though his way of distinguishing them is rather different from, though not unrelated to, Hegel's *Moralität* and *Sittlichkeit*. What strikes Strawson is a contrast between, on the one hand, the diversity of, as he puts it, "pictures of ideal forms of life", which constitute for him "the regime of the ethical"; and, on the other the "community of rule" needed for the regulation of society, which is "the sphere of morality."² Morality in the minimal sense of a common system of rules is needed, Strawson observes, for the realisation of any ideal picture of life. And it is needed, in particular, since within a given society

¹ Strawson 1961.

² *Op. cit.* 26-30.

there may be a variety of conflicting images of life to which its different members are drawn, but who have a common interest in living together in a rule governed way as a condition of existing at all.

Before returning to discuss Strawson's model it is worth pointing out how influential it seems to have been. Strawson rates only one brief citation in John Rawls's *A Theory of Justice*³ as among those providing 'other discussions' of the concept of morality than Rawls's own, in which he himself abjures a 'definition' in favour of a 'theory'. However, something very like Strawson's contrast pervades Rawls's distinction between the right, as given by a certain system of social rules, and the good, of which different individuals or communities can have very different conceptions, so much so that it seems impossible to escape the conclusion that a direct influence was at work here. This distinction, of course, has persisted into Rawls's more recent work, and into that of those influenced by him, whether by way of agreement or disagreement. Something similar surfaces, for example, in Stuart Hampshire's view that the "the glory of humanity is in the diversity and originality of its positive aspirations and different ways of life, and the only universal and positive moral requirement is the application of procedural justice and fairness to the handling of moral conflicts between them."⁴ As in Rawls's later work on *The Law of Peoples*,⁵ Hampshire applies his idea of a minimum morality to relations, not now between individuals within a society, but between societies themselves, or at least their governments. And this presupposes, as the equivalent of Strawson's rule governed society, an international society of states (or equivalent entities).

My own title, therefore, modelled partly upon Strawson's, raises the question of whether we can usefully think about the normative status of acts like coercive humanitarian intervention⁶ in terms of a contrast between, on the one hand, an international morality governing relations between states and, on the other, what I call global ideals – different pictures of what an ideal world order might be. There are many questions here and I can only scratch at the surface of some of them. An obvious one is what anything that could be called an international morality must be like, and, prior to that, whether there is, or even could be, such a thing – whether, indeed, there is a society of states in anything like the same sense that there are societies of individuals (- Margaret Thatcher's remark that there is no such thing as society notwithstanding)⁷. And again there is the question what a global ideal would be, and how it would recommend itself to one – a question closely connected with whether we can draw the distinction here in an analogous way to Strawson, and even whether Strawson's way is defensible.

³ Rawls, 1972, see footnote (5) 130-1.

⁴ Hampshire 1992, 107-8.

⁵ Rawls, 1999.

⁶ By which I understand unsolicited foreign military intervention in the affairs of a state in defence of the human rights of some or all of its people when these are the subject of gross violations by agents of the state. See Gilbert 2005 ch.6. A useful collection is Moseley and Norman 2002 and a good overview is Caney 2005 ch.7.

⁷ The argument for a society of states is famously adumbrated by Hedley Bull 1977 chs.1-2.

Needless to say, most of these questions get short shrift here, for I shall be arguing a particular case in relation to the morality of intervention. That case will imply, however, answers to many of the questions. Yet, for reasons which will, I hope, become a little clearer, this is, I believe, the best way to answer them. That is to say, these very general and abstract questions are best answered by seeing how plausible certain positions on issues like the morality of intervention are, positions which inevitably imply certain answers to them. The apparently more defensible approach of arguing from first principles – whatever these are – for answers to the questions and then devising positions on the issues is, I shall suggest, misplaced, however natural it seems to us as philosophers. But how plausible a position on issues like intervention seems will depend upon its audience's political intuitions, upon, that is to say, their reactions as citizens, not as philosophers. These are, furthermore, the reactions of citizens of particular states with their own histories and cultures, their own socio-economic circumstances and their own places in the power relationships which characterise the international order.

2.

Strawson did not, so far as I know, adapt his own account of the morality/ethics distinction to fit the field of international relations. But how might he have done so? In the course of the article, Strawson strengthens his initial minimalist conception of morality, but it is there that we must start. "The fundamental idea is," he writes, "that of a socially sanctioned demand made on an individual in virtue merely of his membership of the society in question, or in virtue of a particular position which he occupies within it or a particular relation in which he stands to other members of it." He illustrates this by reference to the demands of one's position in a family, membership of a profession, and so forth. "Obligations," he continues, "go with offices, positions, and relationships to others" in a quite unmysterious way, and to fulfil them is – *ceteris paribus* – to do what morality requires of one. "A certain professor once said", Strawson tells us, "For me to be moral is to behave like a professor."⁸ And of course, one must understand that as behaving like a professor *should*, and not necessarily like professors *do*.

Although he does not explicitly employ the notion, what Strawson relies on here is the notion of a *role*. In any society people's expectations of others, and hence the orderly running of that society, are determined in large part by their filling certain social roles and performing the duties associated with them. They act out the role of a parent, say, or of a professor of philosophy. And, for a whole range of roles, to fail to act appropriately within them is morally reprehensible. All such roles involve a limitation on those to whom the duties of the role are owed. Those of a parent are owed to one's own children, those of a professor of philosophy, primarily at least, to one's own students

⁸ Op. cit. 32-3.

and to colleagues in the profession. Noticing this, and yet observing also that “that it is a necessary requirement of a *moral* rule that it should be regarded as applying to all human beings whatever,” Strawson suggests a possible, though not fully satisfactory, resolution of this apparent conflict might be “that the relevant universally applicable, and hence moral, rule was that a human being should conform to the rules which apply to him in a particular situation in a particular society.”⁹

How might we adapt this sort of account to consider whether coercive humanitarian intervention is sometimes permissible or even obligatory for states? Well, first, I suggest that we recognise that, even if international society is a society of states rather than individuals, it is through the decisions of their leaders, of *statesmen*, as I shall call them in a gender neutral sense, that states act in that society. The role we need to consider, then, in terms of its powers and duties, is that of statesman. Now one very obvious thing to say about the role of a statesman is that his or her primary duty is to safeguard the citizens of the state he represents, and more generally to promote their interests. And being a citizen of a state is also a role, so that what one’s interests might be *qua* citizen will determine what those interests to be promoted are. Nothing said here, however, is meant to imply that they must be narrow self-interests. The role of statesman is common to the leaders of all states, however much their citizens’ interests may differ or conflict. But, in safeguarding their citizens, leaders will normally have a shared interest in peace, and therefore to embrace rules which have a tendency to promote it.

This is an all too brief summary of the role of statesman, but it does at least have implications for how this role is constituted. On the one hand it involves a relationship between statesman and citizens, so that we may see it in this aspect as the product of, as it were, constant negotiation between these parties. What is expected of their statesmen by citizens differs to some degree from state to state, as do the powers accorded to them; and this is the result of political processes, including, in the last resort, the use of force by either party. Yet the results of these processes are constrained to some extent by the other sort of relationship in which statesmen stand, namely to their corresponding numbers in other states. And again this is the product of international politics, including actual negotiations, the making of treaties or, again, the use of force. What is created by these processes is, I want to say, not just some international status quo without any normative implications. It is a set of rules recognised by statesmen as regulating their conduct, whether or not they break them. And that they are rules is suggested by the fact that breaking them can incur sanctions, adverse consequences not only from states that suffer from the breach.

The rules governing the behaviour of statesmen, and hence of their states, are, therefore, on this kind of account, simply those established by custom, treaty, and interna-

⁹ Op. cit. 31-2.

tional law generally. The fact that international law follows the practice of states, which is often regarded as a strange anomaly, in fact expresses the way in which it is the product of relationships between those who have a common interest in peace, as well as particular interests in maintaining their own states' security and power. What it is to be part of a society of states, on this view, is just to be bound by such laws. It is nothing abstracted from the actual practice of states, as is, for example, Rawls's "Society of Peoples".¹⁰ Rather, it consists in, for example, membership of the United Nations, observance of the usual customs of diplomatic exchange, having recourse, when needed, to the International Court of Justice at the Hague, and so on. Yet this account immediately raises the question whether complying with these rules in the performance of the role of statesman is really acting morally, rather than simply legally, or even "politically". What argument might there be for supposing that it is?

Rather than addressing this difficult question directly, I ask instead what is the alternative here to regarding these rules as moral ones insofar as they regulate the conduct of people of whom we do make moral judgements, *pace* realism, respecting the performance of their roles. Where Rawls and Hampshire, for instance, differ from Strawson in their conception of social morality, and this affects their account of international morality, is in seeing its demands as somehow the product of reason, just as Kant's *Moralität* is. Hampshire is very modest as to what reason prescribes. It is, he thinks, only "procedures and institutions that all involve the fair weighing and balancing of contrary arguments", since "the adversary principle of hearing both sides is imposed by the individual on himself as the principle of rationality".¹¹ It is thus insofar as such procedures are fair in this way that they are moral. Rawls regards this appeal solely to procedural justice as insufficient for a society of peoples. This requires respect for the freedom and equality of peoples and their honouring of a limited range of human rights¹² – a range which Allen Buchanan¹³, for example, would expand, again supposedly under the guidance of reason.

On these sorts of account it is not just fulfilling the requirements of roles as actually constituted that makes a statesman's actions moral, but their being regulated by certain kinds of rational consideration. What rational considerations need to be taken into account for the actions that guide them to count as moral is, as we have just seen, a matter of disagreement between philosophers and to be resolved by discussion between them. Thus Hampshire's requirements are fairly minimal, Rawls's more stringent but not yet, as he stresses, cosmopolitan in the sense of needing to view the well-being of individuals as of ultimate concern, while Buchanan's demands are cosmopolitan in just this way. Where all would agree, however, and in doing so concur in Strawson's

¹⁰ See Rawls 1999, 3.

¹¹ Hampshire 1999, 21-2.

¹² See Rawls 1999, 15f.

¹³ See Buchanan 2004, 159-76.

somewhat enriched view of morality, is that there are some evils, like the evils of war, for instance, which are generally to be avoided, so that unless a statesman regulated his conduct by such principles it could not be regarded as moral. This seems, at least, to be Hampshire's position for he also justifies procedural justice instrumentally as avoiding these evils, even though it is, for him imagination, – the driving force of ethics – not reason, which discloses them as evils.

I shall return to this point. Here I want only to point out that these different accounts of the requirements of morality in international affairs generate different views of when intervention in the affairs of states is permissible. Rawls allows it only against what he calls outlaw states, that is those that think going to war is permissible simply to advance their own interests. Liberal peoples, he says, “are justified in interfering with an outlaw state on the grounds that this state has violated human rights,”¹⁴ by which he understands fundamental rights to life, liberty, and so on. Buchanan, as a cosmopolitan, goes much further. Intervention is, he believes, justified in other circumstances, for example to protect minority or indigenous cultures in some cases, and generally to prevent human rights violations occurring, rather than after the event. And Buchanan seems to take a broader view of human rights here than does Rawls. But both Rawls and Buchanan are clear that the moral question of intervention is to be resolved differently from the legal one. Indeed, Buchanan discusses at length the moral case for international law breaking as a way of bringing international law into line with morality by effecting changes in states practice.

The view of intervention suggested by the politics of role which I have sketched is different. It is that whether it is right depends upon whether the role of statesman permits, or even requires, him to undertake it; and whether it does is something to be decided as the product of his relationships with his citizens on the one hand and with the statesmen of other countries on the other. Here existing international law will play a major part in determining an answer, though changes in international norms are always on the cards as the latter type of interaction throws up new accommodations to changing circumstances. What is important, though, is that the reactions of all states are taken into account, not just those “liberal democratic” ones from whose agreements Buchanan believes a new norm might justifiably emerge. For there is, on the role account, no independent ground for determining what a statesman may or ought to do apart from the rules which are recognised by statesmen in general, not a particular subset of them with their special ethical ideals. But it is not, I shall go on to suggest, ethical ideals that can determine whether or when humanitarian intervention is permissible.

¹⁴ Rawls 1999, 81.

3.

I turn, then, to look at the different attitudes to humanitarian intervention which may be expressed as reflecting diverse ideals of global order. What I have in mind here are not individual ideals of how someone, or everyone, should live as a member of the human race, though they are connected with these. I intend something rather narrower, namely pictures, as Strawson calls them, of how this world should be, which may or may not be integrated into general conceptions of the good life. It is in this sense, I suggest, that philosophers like Hampshire, Rawls and Buchanan are in fact offering global ideals. Both Rawls and Buchanan speak in terms of ideals, the former sketching out a “utopia”, albeit a “realistic” one.¹⁵ Each, of course, *argues* for his vision – that is the nature of philosophy. But, it seems to me, as to Strawson and Hampshire, that ideals are ultimately recommendable to the imagination, not pressed upon us as by some force of reason.

How do global ideals, if such they are, of the sort that we are considering differ in ways relevant to the question of when humanitarian intervention might be justified? Well, Hampshire, Rawls and Buchanan might be regarded as on a continuum in terms of the degrees of difference from our own liberal, democratic states they are prepared to tolerate. Though, so far as I know, Hampshire does not write specifically on intervention, one may speculate that he would be least likely to countenance it, since what particularly impresses him, as we saw, is “the diversity and originality of [humanity’s] positive aspirations and different ways of life.” Someone impressed by this might be expected to be very cautious in authorising interference in the affairs of a different society because their way of life involves what look like violations of human rights or our conception of them. Or perhaps such a person might countenance intervention if this diversity was threatened. Rawls tolerates non-liberal, but what he calls decent, societies in the global order, while Buchanan is less indulgent, so that he would seem more prepared to accept intervention for a wider range of rights violations.

Such positions might correlate with points on a continuum between nationalism, on a benign understanding, and cosmopolitanism, in the extreme sense of favouring world government. There are different visions of the ideal world order here, depending upon both the value one sets upon the protection of diversity and one’s estimate of the reach of human sympathies. Several ideals may co-exist in a single society, but they will certainly vary from one society to another, in the light of their histories and cultures. Large scale world views, like those of the monotheistic religions, may also offer visions of this sort. Not that these are the only parameters along which global ideals may be relevant to attitudes to intervention. Along with the value of diversity or the scope of sympathy, pertinent issues on which people may also differ concern the acceptability of acts of violence, except perhaps in self-defence, and their own willingness to incur

¹⁵ Rawls 1999, 5f.

injury or death for others. And attitudes here might relate quite directly to individual ideas of martial honour or of sacrifice, which again are intelligible only against certain sorts of cultural background, which is not to say that they may not become accessible without others over time.

The citizens of a state may be greatly attracted to one such ideal and urge upon their statesmen a view of intervention based upon it when, for example, they are moved by the sufferings of those in another state or horrified by acts of seemingly unjustified brutality. They may take pride in their military strength, be willing to accept losses and to inflict casualties on the innocent themselves as the unintended price of justice. Pre-eminently, they must believe that what they are doing is right, since the present situation falls so far short of their ideal and the anticipated consequences of intervention seemingly bring it closer. Statesmen must, of course, be mindful of what their citizens want of them and, especially, of what they take to be in their broader interest, since living in a world where such bad things are allowed to happen may be troubling and insecure. Yet statesmen must also take heed of what is said by statesmen of other countries whose citizens react quite differently in view of their divergent global ideals and calculations of their interests. And this is just because the limits of what it is to act as a statesman are fixed by such considerations as much as by domestic ones.

It is not, I am asserting (pace Rawls), that statesmen should take these divergent views into account because they are or should be *liberal*. It is that to fail to do so is to refuse to accept the limitations of their role and to act outside of it; much as a professor of philosophy who refused to listen to opposing arguments would cease to pursue his calling and become, instead, a preacher. Nothing forces the leaders of states to act as statesmen. They may become crusaders, jihadis, or whatever. Yet in doing so they no longer participate in the society of states; as nineteenth century colonialists, for example, did not, with respect to the territories they sought to colonise. For international society is regulated by rules explicit and implicit, one of which prohibits infringing the sovereignty or territorial integrity of states. Since forcible intervention is a *prima facie* breach of this, there are strict limits on what might justify it. Promoting some global ideal falls outside of these. So though this may be urged as a reason for extending the limit, this can only be through engagement with those whose ideals may diverge from it.

The negotiations between states over the acceptability of certain kinds or cases of humanitarian intervention are, then, in part, negotiations about the role of statesman, its powers and duties, carried out between statesmen, whether in formal arenas or by way of reaction to situations and the actions of states in them. They involve various kinds of accommodation and, though usually couched in the language of international law, which expresses the permissible relations between states, they are ineradicably political. They are not, and cannot be, in some way dear to the heart of philosophers, purely rational. The diversity of ideals and their appeal to imagination and sensibility is one

reason for this. The differences of interest that states have in the possible outcomes of negotiation is another. Yet the negotiations take place on the understanding that the role of statesmen is to safeguard their citizens' interests and that whether they do so is, unless in exceptional circumstances, for those citizens alone to decide. This is, so to speak, the core of necessary agreement about the function of the state and the citizen/statesman relation which shapes what can count as a reason in negotiations.

The sort of exceptional circumstances just mentioned would include clear cases of genocide. Here there *does* seem to be agreement that sovereignty may be violated, because a state which commits genocide against its own citizens is evidently failing in its key function. But equally, it is not unauthorised intervention which is permissible in such a case, but only that agreed under Chapter VII by the Security Council. And the reason for this may be, in part, that what counts as genocide is, as yet at least, too elastic for individual states to be allowed to judge of it, when they could allege genocide as a cover for self-interested interventions. New, more inclusive norms of intervention may be emerging; though, given the nature of international law, quite what those norms are may be knowable only after they are tested. But the case I am advancing counts humanitarian intervention as morally right only when it conforms to these norms, rather than breaching them, however great the pressure from attachment to a global ideal may be to do so. And, to repeat, this is because to act morally here is to act in accordance with the role of statesman.

There is a drive to universality in many aspects of the role, so that all are judged by the same standard in the realm of international relations. Yet here it is not because reason rather than imaginative ideals is governing their conduct. Rather it is because the standards that are to be expected of statesmen in their international relationships come to coincide over time through particular concrete situations in which they interact with each other. The standards, that is to say, are decided by the statesmen themselves, though as answerable, as they are, to their citizens. They are not to be decided by others, not, that is to say, among others by philosophers. Whether and when humanitarian intervention is permissible is not then, by this self-denying ordinance, a question for philosophers at all.

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