

## Humanitarian Intervention and Moral Responsibility

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*This essay investigates the moral aspects of humanitarian intervention. Humanitarian intervention involves the balancing of at least three sometimes contradictory principles – the autonomy of states, the prohibition of war and the reduction of harm and human suffering – and hence requires not merely a legal and political approach to the matter but renders a moral viewpoint necessary. It is argued that P.F. Strawson's concept Moral Reactive Attitudes (MRA) contributes to analysing the moral dilemmas and priorities involved. First, MRA underlines the moral aspects of international society that are essential for dealing with the moral conflict inherent in international society. Secondly, MRA helps to balance between competing claims of justification and legitimacy in cases of humanitarian intervention.*

### Introduction

This essay is about the moral aspects of humanitarian intervention. Throughout the history of international society intervention has been a contested practice.<sup>1</sup> A permissive attitude to intervention has nearly always been met with scepticism because intervention breaks with at least two central principles: the autonomy of states and the prohibition of war. While the purpose of humanitarian intervention is to reduce human suffering, the harm that usually follows from a military intervention evokes considerations not just about states but also about individuals and peoples. Balancing at least three sometimes contradictory principles – the autonomy of states, the prohibition of war and the reduction of harm and human suffering – requires not merely a legal and political approach to the matter but renders a moral viewpoint necessary. This is so even if the humanitarian purpose of a military intervention is not clearly stated. Accordingly, in order to be legitimate and morally credible interventions should be justified on an account of a global ethics of responsibility. An ethics of responsibility involves taking into account both of the intentions and the consequences of intervention as well as the moral

<sup>1</sup> Hedley Bull defines international society in the following way: 'A society of states (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions' (Hedley Bull, *The Anarchical Society: A Study of Order* (London: Macmillan, 1977), p. 13).

reactions to intervention.<sup>2</sup> An international ethics of responsibility not only has a place alongside politics and law but also helps to balance different claims; political, legal and ethical. The essay outlines such an ethics of responsibility elaborating on P.F. Strawson's seminal article *Freedom and Resentment*.<sup>3</sup> It is argued that this account of morality, focusing on so-called Moral Reactive Attitudes (MRA), is applicable in this case, adding a different moral viewpoint to the issue.

Two claims are central: First, that the debate on justification and legitimacy of humanitarian intervention often has failed to deal adequately with the ethical implications of interventions when either toning down the ethical aspect in comparison to political or legal considerations, or when relying on a fairly simplistic consequentialist approach to international ethics. Second, that Strawson's theory of Moral Reactive Attitudes when applied to international society vindicates an ethics of responsibility in international relations treating international society as a moral association. The first section deals with intervention in relation to the autonomy of states and the prohibition of war, defending the moral point of view. Next, humanitarian intervention is discussed in relation to the commitment to reduce human suffering leading to the standpoint that all states have a moral obligation, extending beyond boundaries, to reduce harm. The third section reviews some problems to justify humanitarian intervention. The final two sections present and discuss the concept of MRA looking first at the moral reactions to intervention by individual moral persons, and second, applying MRA to the society of states.

### **Intervention, the Autonomy of States and the Prohibition of War**

The modern states system gradually evolved out of the medieval order of multi-layered political authority in Europe. The state was eventually understood as an autonomous community governed by a sovereign power. This state conception was usually conceived within a non-territorial political and moral association, involving the cosmopolitan notion of world society as well as agreed upon international rules and codes of conduct among sovereigns.<sup>4</sup> For example, the notion of equilibrium that is central to the balance of power doctrine was not limited to the idea of the balancing of scales but was looked upon as the balancing of a variety of moral principles and norms.<sup>5</sup>

<sup>2</sup> See Daniel Warner, *An Ethic of Responsibility in International Relations* (Boulder and London: Lynne Rienner, 1991).

<sup>3</sup> Peter F. Strawson, 'Freedom and Resentment', in *Analytic Philosophy: An Anthology*, 2<sup>nd</sup> Edition, edited by Al P. Martinich and David Sousa (Chichester: Wiley-Blackell, 2012), pp. 372-385; first published in 1962. For an update and criticism see Michael McKenna and Paul Russell (Eds.), *Free Will and Reactive Attitudes* (Farnhem: Ashgate, 2012).

<sup>4</sup> See Richard Tuck, *The Rights of War and Peace. Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999); David Boucher, *The Limits of Ethics in International Relations. Natural Law, Natural Rights and Human Rights in Transition* (Oxford: Oxford University Press, 2009); Annabel Brett, *Changes of State. Nature and the Limits of the City in Early Modern International Law* (Princeton: Princeton University Press, 2011); Ronnie Hjorth, *Equality in International Society. A Reappraisal* (Houndmills Basingstoke: Palgrave Macmillan, 2014).

<sup>5</sup> Paul W. Schroeder, 'Did the Vienna Settlement Rest on a Balance of Power?', *American Historical Review*, 97:4 (1992), pp. 694-695.

The formation of the European international society in Münster, Osnabruck, Utrecht and Vienna, led on to a political and moral order in which non-intervention became one of several central principles. Non-intervention was viewed as instrumental for securing not only peace among states but also the autonomy of states, i.e., the standpoint that states can be viewed as 'autonomous sources of ends' and as free agents.<sup>6</sup> The crux is that an international society of independent states risks being unstable unless an element of hierarchy is accepted. The hierarchical element in international society was based on a collective hegemony or Great Power dominance.<sup>7</sup> International stability was viewed as conditional not only for order but instrumental for the development of justice, liberty and equality among the citizens of bounded communities.<sup>8</sup> International stability was secured by the balance of power and at least sometimes upheld by means of intervention.<sup>9</sup> Before World War I intervention was generally viewed as legitimate conduct as long as it was carried out by the Great Powers for the preservation of international order and stability. The problem was to combine two contradictory principles, non-intervention and intervention for the management of the balance. On the one hand proponents of the balance of power claimed the constitutional status of the balance of power and viewed the doctrine as instrumental to the liberty and independence of nations. On the other hand the critics regarded the practice of intervention unacceptable and against reason and hence rejected the balance of power.<sup>10</sup> Their argument is straightforward:

- (1) Non-intervention is essential to international society.
- (2) Intervention cannot be accepted as a norm in international society.
- (3) The balance of power requires intervention.

Therefore:

- (4) The balance of power has to be rejected.

Thus, intervention seems impossible to defend if non-intervention is a fundamental principle. Unwilling to renounce the conception of the balance of power as an institution within international society, this caused Hedley Bull to write about a paradox of the

<sup>6</sup> Charles Beitz, *Political Theory and International Relations*, 2<sup>nd</sup> edition (Princeton: Princeton University Press, 1999), p. 66.

<sup>7</sup> Andreas Osiander, *The States System of Europe 1640-1990: Peacemaking and the Conditions of International Stability* (Oxford: Oxford University Press); Ian Clark, *Hegemony in International Society* (Oxford: Oxford University Press, 2011).

<sup>8</sup> Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000), pp. 13-14.

<sup>9</sup> Herbert Butterfield, 'The Balance of Power', in *Diplomatic Investigations: Essays in the Theory of International Politics* (London: George Allen & Unwin, 1966); Martin Wight, 'The Balance of Power and International Order', in *The Bases of International Order: Essays in Honour of C. A. W. Manning*, edited by Alan James. London: Oxford University Press, 1973, pp. 85-115; Moorhead Wright, *The Theory and Practice of the Balance of Power: Selected European Writings* (London: Dent, 1975).

<sup>10</sup> Wright, *Theory and Practice*, pp. 72, 94, 113; R. J. Vincent, *Non-intervention and International Order* (Princeton: Princeton University Press, 1974), p. 56.

balance of power suggesting an insoluble dilemma.<sup>11</sup> However, this is a misunderstanding. The perceived paradox can be solved when dealt with as a normative problem so that interventions should only be permitted in situations where other principles override non-intervention.<sup>12</sup> The question is of course which principles. J.S. Mill advocated such a normative principle of intervention, a principle of 'intervention to enforce non-intervention'.<sup>13</sup> In a sense, he offered a solution to the problem of intervention when claiming that at least some interventions could be justified. R.J. Vincent has later recognised this claiming that the important question is not if intervention should be accepted in general but when it is justifiable.<sup>14</sup> Thus, this way at least moral anarchy can be avoided since only particular interventions are permitted.

War was prohibited in the 1928 Kellogg-Briand pact and later in the UN Charter Article 2(4) leaving only options for waging war in self-defence (Article 51) and as the result of sanctions issued by the Security Council (Article 42).<sup>15</sup> The prohibition of war has certainly made the practice of intervention even more complicated. However, in practice the UN Security Council, having to determine the occurrence of a breach of the peace or an act of aggression (Article 39), has handled the matter largely by leaving it in the hands of its permanent members. Thus, great power politics prevails regardless of the prohibition of war. The normative dilemma of combining intervention and non-intervention within international society remains a challenge to the UN but is rendered more complex when humanitarian concerns are involved. There is also the issue to what extent interventions can be launched by other organisations than the UN. The prominent example is the NATO bombing of Kosovo in 1999 that was deemed both illegal and legitimate.<sup>16</sup> An alternative way to think of the problem of combining intervention and non-intervention is to treat this as an essentially political problem to which there is only a political solution, i.e., to regard the politics of power as something that goes on outside of international society. This solution, sometimes suggested by critical security analysts, reveals the element of conflict often underlying social orders.<sup>17</sup> But the fact that political conflict is involved does not eliminate the reasons for approaching political issues from a moral point of view. As is claimed by John Rawls, political philosophy 'sets limits to the reasonable exercise of power' because if not 'power itself determines what the compromise should be'.<sup>18</sup>

<sup>11</sup> Hedley Bull, *Anarchical Society*, p. 8.

<sup>12</sup> Ronnie Hjorth, 'Hedley Bull's Paradox of the Balance of Power: A Philosophical Inquiry', *Review of International Studies*, 33 (2007), p. 611.

<sup>13</sup> Vincent, *Nonintervention*, p. 56.

<sup>14</sup> *Ibid.*, pp. 388-389.

<sup>15</sup> See Christine Gray, *International Law and the Use of Force*, 3<sup>rd</sup> Edition (Oxford: Oxford University Press, 2008).

<sup>16</sup> Anne-Marie Slaughter, 'Security, Solidarity and Sovereignty: The Grand Themes of UN Reform', *The American Journal of International Law*, 74 (2005), pp. 2961-2970.

<sup>17</sup> See David Chandler, 'The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?' *Millennium: Journal of International Studies* 37:1 (2008); Ronnie Hjorth, 'The Poverty of Exceptionalism in International Theory', *Journal of International Political Theory*, 10:2 (2014).

<sup>18</sup> John Rawls, *The Law of Peoples* (Cambridge Mass.: Harvard University Press, 1999), p. 6.

### Humanitarian Intervention and the Reduction of Harm

After the end of the Cold War the debate on humanitarian intervention called attention to the tensions inherent in the UN Charter between the autonomy of states and humanitarian concern. Terry Nardin shows how this tension originates in early modern international thought as a conflict between two principles, political independence and the moral duty to protect innocent humans. He claims that the 'tension between them raises the question of how we can reconcile the complex institutional duties prescribed by international law with the more primitive, noninstitutional, duties of common morality'.<sup>19</sup> In practice humanitarian interventions took place during as well as after the Cold War in, for instance, Cambodia, Uganda, Somalia, Rwanda, Bosnia and Kosovo.<sup>20</sup> Moreover, the emerging norm of Responsibility to Protect (R2P) motivated interventions in Libya and has been repeatedly discussed in relation to Syria.<sup>21</sup>

As has been pointed out by Vincent, the adoption of a universal human right standard, such as the 1948 Universal Declaration of Human Rights, means (i) 'adding the needs and interests of individuals and groups other than states to their traditional preoccupation with peace and security among themselves' and (ii) that 'in taking on these purposes, states have dissolved international society into a world society in which groups and individuals have equal standing with states'.<sup>22</sup> While it is possible to interpret the Declaration as a commitment for each government to comply with within each territorial jurisdiction there is a cosmopolitan vision involved in the conception. Because, having once accepted that human rights ought to be secured on a universal basis, one should not be content with securing such rights only for citizens of particular bounded communities but to promote human rights for all humans. International human rights evoke the question of what kind of moral and political implication that should flow from the distinction between men and citizens.<sup>23</sup> The concern with human rights covers different rights, as is indicated by the UN Declaration, but the most critical is the reduction of harm and suffering for peoples throughout the globe. The degree to which a state can realistically assist and to what extent there is a duty to assist of course varies, but the general commitment is the same for all.

<sup>19</sup> Terry Nardin, 'The Moral Basis of Humanitarian Intervention', *Ethics and International Affairs*, 16:1 (2002), pp. 57-70, at p. 70.

<sup>20</sup> See James Mayall, *The New Interventionism 1991-1994: United Nations Experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: Cambridge University Press, 1996); Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 1999); Adrian Treacher, *French Interventionism: Europe's Last Global Player?* (Aldershot: Ashgate, 2003).

<sup>21</sup> See Alex Bellamy, *Responsibility to Protect: The Global Efforts to End Mass Atrocities* (Cambridge: Cambridge University Press, 2009); Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011); Kjell Engelbrekt 'Why Libya? Security Council Resolution 1973 and the Politics of Justification', in *The Nato Intervention in Libya: Lessons Learned from the Campaign*, edited by Kjell Engelbrekt, Marcus Mohlin and Charlotte Wagnsson (London: Routledge), pp. 41-62; Justin Morris 'Libya and Syria: R2P and the Spectre of the Swinging Pendulum', *International Affairs*, 89:5, 2013, pp. 1268-1283.

<sup>22</sup> R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), p. 93.

<sup>23</sup> See Andrew Linklater, *Men and Citizens in Theory of International Relations*, 2<sup>nd</sup> Edition (Houndmills Basingstoke: Macmillan, 1990).

## Dilemmas of Justification

The proponents of humanitarian intervention and R2P are inspired by liberal political theory, essentially derived from the work of Hobbes and Locke, from which to deduce that the primary objective of political association is to secure life, freedom and property. In the case of humanitarian intervention and R2P the commitment to act does not stop at the border. Or in other words, if the primary purpose of a political association – a state or international society – is viewed as the prevention of harm and human suffering, international society should not as a general rule give priority to the autonomy of states or procedural rules of inter-state relations. Accordingly, Jennifer Welsh defines humanitarian intervention as a ‘*coercive interference in the internal affairs of a state, involving the use of armed force, with the purposes of addressing massive human rights violations or preventing widespread human suffering*’.<sup>24</sup> However, military interventions are almost always bound to lead to suffering even if the intention behind is to achieve the opposite. There is consensus in the literature that military intervention should be considered a last resort but also that other means or doing nothing may often be even worse alternatives. Hence, it is not only the intent behind or the outcome that is interesting to evaluate, but the conduct of intervention. A great deal of the literature on humanitarian interventions centres around the problem of justification of force in a way resembling Just War theory.<sup>25</sup> Humanitarian intervention resonates on Just War theory not just for the justification of the use of force against sovereign states (*Jus ad Bellum*) but also for the conduct of the military intervention according to humanitarian principles (*Jus in Bello*).<sup>26</sup>

A main task in the literature on humanitarian intervention has been to outline a number of criteria for the justification of humanitarian intervention. One such rather detailed attempt was formulated by the International Law Association (ILA) in order to defend the autonomy of states and to make sure that a humanitarian intervention does not disguise attempts to overthrow or undermine governments.<sup>27</sup> A problem with this approach is of course that bad government is protected perhaps even in cases where the misery of humans depend on the misconduct of the government. For Wheeler, human rights are the priority, not governments. He specifies four criteria for humanitarian intervention: (1) Supreme Emergency, (2) Intervention as the Last Resort, (3) Proportionality and (4) Humanitarian Outcome.<sup>28</sup> The fourth criterion is explicitly consequentialist and particularly serviceable for judging the legitimacy of the intervention. Accordingly, Welsh claims that the ‘legitimacy of an intervention is often judged with reference to its consequences rather than its intentions’. However, she shows that one of the problems of consequentialist justification is that in practice ‘there is nothing like success to silence one’s critics’.<sup>29</sup> One recalls Machiavelli’s key phrase in *The*

<sup>24</sup> Jennifer Welsh (Ed.), *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004), p. 3, italics in original.

<sup>25</sup> David Fisher, *Morality and War: Can War Be Just in the Twenty-First Century?* (Oxford: Oxford University Press, 2011); David Fisher and Nigel Biggar, ‘Was Iraq and Unjust War? A Debate on the Iraq War and Reflections on Libya’, *International Affairs*, 87:3 (2011), pp. 687-707.

<sup>26</sup> In recent years a third and contested category, *Jus post Bellum*, has been discussed dealing with justice after war not to be further discussed hereinafter.

<sup>27</sup> Wheeler, pp. 42-43.

<sup>28</sup> *Ibid.*, pp. 34-37.

<sup>29</sup> Welsh, p. 7.

*Prince* that 'in the actions of all men, and especially of princes, which is not prudent to challenge, one judges by the result'.<sup>30</sup> The political lesson taught by Machiavelli is not necessarily to achieve the results one wants to achieve but to be successfully convincing. It may be difficult to discern the one from the other in a concrete situation where the judgement of action is always a matter not only of justification but also of practical judgement and the interpretation of social facts.

There are two well-known arguments against accepting the kind of conduct suggested by Wheeler. First, that there may be mixed motives so that interventions will mainly be carried out only when in the interest of the intervening party. Second, there is the argument of inconsequence according to which practices of humanitarian intervention for much the same reason would be selective. Both arguments can be rejected. Against the first argument it can be argued that the presence of mixed motives is not important as long as the humanitarian goals are in fact achieved. Thus, there may be other motives but as long as there is a good humanitarian outcome this overrides other concerns. Another way to think of this is to conceive of a distinction between intention and motive so that it is the intention to promote human rights or reducing harm that is decisive for the moral evaluation of the action rather than the political motive that might have spurred the action.<sup>31</sup> In any case, the worry of mixed motives seems to be appeased. Against the problem of inconsequence one can argue that the absence of a general rule should not preclude the actual attempt to assist particular peoples. The fact that one cannot assist all that are suffering should not preclude the assistance of a few.

But this defence of humanitarian intervention is perhaps not convincing after all. The acceptance of mixed motives allows for interventions when there is an illegitimate motive behind even if there is a right intent. Or it could be that the intervention is successful when judging by the consequences but not when considering the intentions of the intervener. Or the intervention is carried out in a manner that discredits both the intent and the perceived outcome. Michael Walzer's famous account of Just War Theory makes clear the separation of *Jus ad Bellum* and *Jus in Bello*, claiming that the issue of just cause has nothing to do with just conduct and vice versa.<sup>32</sup> But when dealing with humanitarian intervention this position is hard to maintain because humanitarian intervention is both about communities and individuals. Approaching global ethics or world ethics implies including and balancing a variety of ethical claims.<sup>33</sup> A global ethics of responsibility should be able to handle the conflict between different claims to legitimacy and different accounts of justification. What now follows is an attempt to present such an approach to ethics applying P. F. Strawson's concept of Moral Reactive Attitudes (MRA). MRA is argued to be one way of approaching an ethics of responsibility in world politics adding an important perspective to the question of legitimacy and justification of humanitarian interventions.

<sup>30</sup> Niccolò Machiavelli, *The Prince* (Ware: Wordsworth Reference, 1993), p. 140.

<sup>31</sup> I owe this point to an anonymous reviewer.

<sup>32</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2<sup>nd</sup> ed. (New York: Basic Books, 1992).

<sup>33</sup> See Nigel Dower, *World Ethics: The New Agenda* (Edinburgh: Edinburgh University Press, 1998).

### Humanitarian Intervention and Moral Reactive Attitudes

Interventions involve individual persons acting in different capacities, presumably sharing at least some capacity for ethical reflection, but almost certainly sharing in the capacity to experience what is labelled by P. F. Strawson in *Freedom and Resentment* as a Moral Reactive Attitude (MRA). An MRA may include attitudes such as gratitude, resentment, and hurt feelings, all which according to Strawson are analogues to attitudes about moral obligation and moral responsibility, as well moral condemnation, blame, approval, and so on. One of Strawson's central claims is that such reactions belong to the facts of human nature and hence, he argues, need not be justified. An attempt to seek justification risks reducing the complexity of the issue confining morality to false objectivism; that is, when claiming that moral norms can be explained functionally on account of their effects upon human interaction in society.<sup>34</sup> Thus, Strawson contends that while an MRA originates in expectations and in sharing a moral community, the reaction is a natural human reaction. Hence, it is reasonable to assume that the actions of states in international society cause moral reactions, whether positive (such as gratitude) or negative (such as resentment, condemnation or disapproval) because as Strawson argues, moral intuitions appear in social relations within a moral community. The crux is what kind of a moral community that can reasonably be conceived of in this case. There are at least two options. One is to assume, in accordance with Strawson's theory, that moral reactions appear among individual persons, the other to assume that states at least sometimes act as moral actors and hence share certain moral norms. In that case MRA may sometimes appear among international actors such as states. The rest of this section is concerned with the moral reaction involving individual persons while the next section looks at MRA at level of states in international society.

As is shown above, Just War theory is a natural starting point when studying the justification of humanitarian intervention because it deals with both the decision to intervene and the conduct of interventions. However, Just War theory is traditionally conceived of as a theory of states or communities primarily and not as a theory of individual moral persons. At least this was previously the case. Cecile Fabre has recently formulated a cosmopolitan Just War theory that brings to the fore some central aspects for considering MRA in the case of intervention. She argues that from a moral viewpoint war is not fought primarily between communities or states but essentially between individual moral persons. Certainly, individual persons may appear in different capacities but in the end of the day they are all individual persons. A cosmopolitan approach, she argues, 'must ascribe pre-eminence to individuals and not conceive of groups as having independent moral status' and 'must not make individuals' basic entitlements dependent on their membership in a political community'.<sup>35</sup> Moreover, she claims that it matters whether a justly waged war is also justly fought. Fabre's contention makes sense when dealing with humanitarian interventions. For if the cause of intervention is a humanitarian one, the conduct ought to be humanitarian too.

Looking at humanitarian intervention from the viewpoint of MRA it can reasonably be assumed that if an intervention flows from illegitimate motives, the wrong intentions, or just comes about arbitrarily, the reactions are likely to be more negative

<sup>34</sup> Strawson, pp. 374-376.

<sup>35</sup> Cecile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012), p. 8.



than when legitimate and morally responsible motives are presented. For the persons actually involved in interventions it may mean a great deal if there are mixed motives so that the reasons for coming to assistance are not really about helping out. The reaction of the strangers saved may be different when it is clear that other than humanitarian concerns have had priority. The reaction of the individuals carrying out the intervention is likely to be negative if they sense that the intervention is unjust. This does not merely include those directly affected but there is also the element of third-party 'vicarious' attitudes. Thus, the approach envisaged here focuses on the extent to which the actions are understood among the parties concerned and expressed in terms of MRA. It is in this sense the conduct of intervention has to be morally responsible. Responsibility may even override other principles. As Nigel Biggar claims, 'it is better to be inconsistently responsible than consistently irresponsible'.<sup>36</sup> Thus, moral responsibility overrides consistency in application. This argument is similar to Wheeler's argument discussed above but transcends consequentialism. The problem of mixed motives or inconsistency in application is not only the undermining of international order or the weakening of the authority of international law but the negative moral reactions that follow. This in turn may severely affect both the effectiveness and legitimacy of the operations in question. Moreover, when judging the legitimacy of a humanitarian intervention the humanitarian outcome is certainly important. But, as argued by Christian Reus-Smit, 'no action can be coherently described as legitimate if it is not socially recognized as such'.<sup>37</sup> It is reasonable to assume that social recognition hinges on a lot more than the consequences of actions.

In practice it is of course hard to judge the moral reactions of those affected. It is not the purpose of this essay to suggest how to go about identifying MRA in empirical research but merely to defend the approach as possible and fruitful. However, when judging such attitudes one might take into account the conditions within which the attitudes are expressed. An open society with free media is likely to be more reliable than views of peoples living under oppressive conditions. Dissident views may of course be important but are sometimes difficult to judge. Cultural differences also make it more difficult to interpret moral reactions. These problems are all matters to be handled within the realm of the empirical.

### **International Society and Moral Reactive Attitudes**

The application of MRA on a society requires that there is moral community involved, or at the least a set of widely shared moral norms around which 'expectations converge' and from which moral reactions may follow.<sup>38</sup> This is often questioned when dealing with international relations. Certainly, the concept of international society can be reduced to a *modus vivendi* and little more, but the challenge of theorising international society in

<sup>36</sup> Nigel Biggar, *In Defence of War* (Oxford: Oxford University Press, 2013), p. 233.

<sup>37</sup> Christian Reus-Smit, 'International Crisis of Legitimacy', *International Politics*, 44 (2007), pp. 157-174, at p. 160.

<sup>38</sup> The standard definition of an international regime is that it consists of 'sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations' (Stephen Krasner (Ed.), *International Regimes* (Ithaca, NY: Cornell University Press, 1983), p. 2).

international political theory is to conceive of international society as a moral as well as a political association. The parties in the debate on intervention in international society clearly regard international society as a moral association but nevertheless neglect to elaborate the potential of such a conception. Generally, 'pluralists' identify international society with the principle of autonomy of states and the prohibition of war while 'solidarists' view international society as progressive and as supporting particular notions of a humanitarian order.<sup>39</sup>

If international society is understood as a moral association it makes sense to think that just like individual moral persons are able to cultivate their moral conceptions when interacting with one another, communities may enhance their moral personality through their relations with other communities. Certainly, there are difficulties involved in using concepts of moral and political relations among individuals as an analogy to the moral and political relations among communities. However, the only thing assumed here is that communities of individuals are able to develop moral and political relations that are akin to what individuals and groups are capable of within a bounded territory. The point of attempting the analogy is merely to suggest that within a moral community certain norms, beliefs and attitudes are likely to develop and hence may create expectations of certain behaviour on the part of those involved. This in turn gives rise to a range of MRA. Moreover, organisations are composed of individual persons who are capable of reacting and responding in this way. There is no reason to assume that the reaction is essentially different when appearing in the context of international political relations. For example, the resentment felt by a member of parliament when disappointed by the action of a fellow MP is not fundamentally different from a similar reaction among representatives to the UN. Insofar as MRA are triggered by behavioural expectations related to norm-governed conduct there is no reason to assume *a priori* that such reactions are impossible in the realm of the international.<sup>40</sup>

When dealing with moral attitudes in international society there is probably a greater propensity for objectification of reactions because of the mediation of reactive attitudes through institutions. But assuming that international society is at least partly a moral association there is no reason to assume that reactions of government leaders generally are instrumental or merely reflect state interests. Yet, the two reasons offered by Strawson for not feeling resentment are possibly relevant when considering international society.<sup>41</sup> The first of those, the extenuation of circumstances, may at first not seem to be particularly relevant since it seems hard to claim that a government 'didn't mean to' or 'couldn't help it' or 'hadn't realised'. However, one could perhaps claim that a government 'was pushed' to act in a certain way or perceived no alternatives to the action pursued. This type of reaction, were the feeling of resentment is modified, point towards the circumstances of the action in question. This involves looking at the conditions, the choices available to a government, the role of other powers involved and

<sup>39</sup> The distinction between 'pluralism' and 'solidarism' was originally presented by Hedley Bull in 1966 in his 'The Grotian Conception of International Society', in *Diplomatic Investigations*, edited by Herbert Butterfield and Martin Wight (London: George Allen & Unwin, 1966), pp. 35-50. The distinction has ever since played a central role in the English School literature on humanitarian intervention.

<sup>40</sup> See Mervyn Frost, *Ethics in International Relations: A Constitutive Theory* (Cambridge: Cambridge University Press, 1996).

<sup>41</sup> Strawson, p. 376.

the consequences of the rules and institutions of international society. The other reason for modifying a sense of resentment points to the deficiency in the agent so that the behaviour therefore is abnormal, schizophrenic or perverted. As a result one would adopt 'the objective attitude' and look for methods of treatment or just seek to avoid the actor. Bearing in mind the notion of international society as a moral association, the objective attitude rather infers exclusion. Thus, the government that acts in an abnormal way may not be accepted on an equal standard and treated accordingly. This suggests a deprivation of the government in question although not necessarily of the people.<sup>42</sup>

These situations relate to intervention in several possible ways. A government that acts in an abnormal way in relation to the individual persons and groups inhabiting it should not, it seems, enjoy an equal standing to other states. This means that the government has put itself outside of the society of responsible governments, permanently or temporarily. Adopting the objective attitude involves mollifying the resentment in view of the deficiency of the government. There is no point in expressing resentment and no point in conceiving of the government in question as an insider and a member of the international society. Hence, respecting the autonomy of state is no longer important in this case. This is however not related to the internal sovereignty of the government in question. But the exercise of sovereignty is in this case irresponsible and breaks with the norms a sovereign should live up to in order to receive external recognition from other sovereigns. This does of course not necessitate an intervention but at least the principle of autonomy of state is no longer a hindrance.

A different problem concerns the moral character of the intervening party. A regime that does not live up to adequate humanitarian standards and consequently is not accepted as a responsible government may nevertheless carry out a successful humanitarian intervention if one judges by the consequences of it. The prominent example is Vietnam's intervention in Cambodia leading to the fall of Pol Pot in 1979. This case is a challenge when conceiving of states according to a concept of moral hierarchy, such as Rawls does. Similarly, the central idea of R2P is that a morally responsible sovereign state looks after both the good governance of the peoples living on the territory and cares for the protection of peoples outside of it. However, from a consequentialist perspective the character of the intervening party is not important, provided that the intervention is successful from a humanitarian point of view. Accordingly, Nardin claims that a 'murderer is not forbidden to save a drowning child'<sup>43</sup> While this essay does not set out to solve this problem the application of MRA may at least appease our concerns since revealed MRA may prove helpful when judging which argument that should be given priority. The moral reactions to an intervention are in this case central, particularly the effort to discriminate moral reactions from other kind of reactions. The reactions to the Vietnamese intervention were mainly political calling attention to a perceived strive for regional hegemony, to Cold-War power politics, or more generally was condemned for violating the principle of non-intervention.<sup>44</sup> It does not follow from a successful intervention, when judging by the consequences, that the intent is the right or that the intervening government manages to reduce harm and suffering within its territorial

<sup>42</sup> Think of Rawls' distinction between an 'outlaw state' and the individual persons governed by it (Rawls, pp. 94-95).

<sup>43</sup> Nardin, p. 68.

<sup>44</sup> Wheeler, pp. 89-100.

jurisdiction. Hence, it does not follow from a successful intervention that the government is a responsible government and should be treated as such. MRA help to judge the moral standing and legitimacy of the intervener.

Furthermore, another issue, notoriously hard to tackle, is what to think about humanitarian interventions in cases where states are morally obliged to act yet remain inactive. Realists may be in the right when suggesting an interest-based approach but in the wrong as far as understanding the political and moral complexity involved. Interests cannot override rights or be used as a justification of failing to act according to moral obligations. However, the moral reactions involved may bring to the surface the moral dilemmas involved, such the balancing of obligations towards citizens, humanity, other actors or international rules. Focusing on MRA is a means to approaching the specific contextual element always involved in particular situations. Instead of lamenting the lack of action or the failure to comply with particular principles MRA throw light on the moral-political dilemma faced and the options and priorities involved.

In practice an MRA may not be 'pure' at least not when political strategies and tactics are at play. It is not difficult to find examples of when moral reactions are communicated in connection with international responses to events. But such reactions are often contested and implicated in political considerations. Such is the case with the reactions to the intervention in Libya and the discussions about a humanitarian intervention in Syria. Nevertheless, these reactions reflect different points of view concerning both the standing of states and how to conceive of human rights.<sup>45</sup> The reactions to the Russian annexation of Crimea make a different case since the annexation was rejected by nearly all members of the UN General Assembly.<sup>46</sup> These examples show the difficulty of ascertaining to what extent reactions by governments are expressions of MRA. However, if similar MRA are discernible simultaneously among a wide range of states and perhaps across the globe without any prior organisation or co-ordination, this would indicate some element of international morality on a broader and perhaps even global level. Even if it is possible to explain that international responses are spurred by state interests or other explanations, the expression of MRA is nevertheless an indicator that there is after all such a thing as international morality, and that moral concerns are indeed expressed by states. That a moral reaction can be explained, referring to a variety of explanatory frameworks or theories, does not eliminate the moral point of view.

## Conclusions

John Finnis argues that in a global polity 'the good of individuals can only be fully secured and realized in the context of international community'.<sup>47</sup> This calls attention to the principles – moral and political – of international society. Moving in this direction is a way to address the problem of harm in different ways, focusing on how international

<sup>45</sup> For instance, see Morris, 'Libya and Syria'.

<sup>46</sup> A/68/262 March 27, 2014. Only eleven states did not condemn the annexation.

<sup>47</sup> John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980), p. 150.

society not only reduces harm, but also how it inflicts harm.<sup>48</sup> While most observers are likely to contend that humanitarian interventions are defensible when honestly waged and when carried out in just ways, there are different opinions of how to go about securing this, what aspects that ought to be taken into account and what priorities to make. The autonomy of states, the prohibition of war and the reduction of human suffering are three main competing priorities. This essay argues that intervention should be analysed against the backdrop of a moral conception of international society. MRA is suggested as a way to inquire the moral element of international society. The presence of MRA is a proof that international society is a moral association in which moral arguments may be used when balancing different and sometimes contradictory principles and when considering the legitimacy of a particular conduct among nations. Thus, the considerations behind humanitarian intervention as well as the actual conduct of interventions benefits from an outlook allowing moral considerations to override the procedural principles of the international society of states.

From a political viewpoint this conclusion is controversial. First, it is likely in international political relations to rely great deal on the principle of autonomy of states since the constitutional principles of international society are often viewed to secure the 'sovereign equality' of states. The whole literature on humanitarian intervention has questioned this contention searching for a way to moving the cut-off point for moral consideration and legitimate conduct beyond the realm of the states. This can be achieved when broadening the 'realm of consideration' and widening the 'sphere of deliberation' reinventing a concept of equality in international society that transcends 'sovereign equality'.<sup>49</sup> Second, the way policy issues are linked and motives and alliances work in international affairs impede independent moral judgement but does not for that matter render international ethics redundant. This essay suggests that much more can be done to study and understand international society as a moral community as much as a political association. Unless one is willing to rest content with merely political discretion the adoption of a moral point of view is more appealing than the absence of it, both from the perspective of the individual persons concerned and on the level of international society. When urging governments to take on a humanitarian commitment and consider taking part in a humanitarian intervention a moral viewpoint and considerations about legitimacy ought to be included, reaching beyond consequentialism.<sup>50</sup>

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<sup>48</sup> See Ian Clark, *The Vulnerable in International Society* (Oxford: Oxford University Press, 2013), and Andrew Linklater, *The Problem of Harm in World Politics: Citizenship, Sovereignty and Humanity* (London: Routledge, 2011).

<sup>49</sup> For the concepts 'realm of consideration' and 'sphere of deliberation' see Hjorth, *Equality*, Chapter 8.

<sup>50</sup> An earlier version of this essay was presented at the 51st *Societas Ethica* annual conference on *The Ethics of War and Peace*, 21-24 August, 2014, Maribor, Slovenia, and at the annual conference of the Swedish Political Science Association, 8-10 October, 2014, Lund, Sweden. I am grateful for comments and suggestions received at those occasions, particularly to Jörgen Ödalen and Edward Page, and to the anonymous reviewers of *De Ethica*.

## Bibliography

- Beitz, Charles. *Political Theory and International Relations*, 2<sup>nd</sup> Edition. Princeton NJ: Princeton University Press, 1999.
- Bellamy, Alex. *Responsibility to Protect. The Global Effort to End Mass Atrocities*. Cambridge: Cambridge University Press, 2009.
- Biggar, Nigel. *In Defence of War*. Oxford: Oxford University Press, 2013.
- Boucher, David. *The Limits of Ethics in International Relations: Natural Law, Natural Rights and Human Rights in Transition*. Oxford: Oxford University Press, 2009.
- Brett, Annabel. *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. Princeton: Princeton University Press, 2011.
- Bull, Hedley. 'The Grotian Conception of International Society' in Herbert Butterfield & Martin Wight (Eds.) *Diplomatic Investigations*. London: George Allen & Unwin, 1966, pp. 35-50.
- Bull, Hedley. *The Anarchical Society: A Study of Order in World Politics*. London: Macmillan, 1977.
- Butterfield, Herbert. 'The Balance of Power', in Herbert Butterfield and Martin Wight (Eds.), *Diplomatic Investigations: Essays in the Theory of International Politics*. London: George Allen & Unwin, 1966.
- Chandler, David. 'The Revival of Carl Schmitt in International Relations: The Last Refuge of Critical Theorists?', *Millennium: Journal of International Studies*, 37:1 (2008), pp. 27-48.
- Clark, Ian. *Hegemony in International Society*. Oxford: Oxford University Press, 2011.
- Clark, Ian. *The Vulnerable in International Society*. Oxford: Oxford University Press, 2013.
- Dower, Nigel. *World Ethics: The New Agenda*. Edinburgh: Edinburgh University Press, 1998.
- Engelbrekt, Kjell. 'Why Libya? Security Council Resolution 1973 and the Politics of Justification', in Kjell Engelbrekt, Marcus Mohlin and Charlotte Wagnsson (Eds.). *The Nato Intervention in Libya. Lessons Learned from the Campaign*. London: Routledge, 2014, pp. 41-62.
- Fabre, Cecile. *Cosmopolitan War*. Oxford: Oxford University Press, 2012.
- Finnis, John. *Natural Law and Natural Rights*. Oxford: Clarendon Press, 1980.
- Fisher, David. *Morality and War: Can War be Just in the Twenty-first Century?* Oxford: Oxford University Press, 2011.
- Fisher, David, and Nigel Biggar. 'Was Iraq an Unjust War? A Debate on the Iraq War and Reflections on Libya', *International Affairs*, 87:3 (2011), pp. 687-707.
- Frost, Mervyn. *Ethics in International Relations: A Constitutive Theory*. Cambridge: Cambridge University Press, 1996.
- Gray, Christine. *International Law and the Use of Force*, 3<sup>rd</sup> Edition. Oxford: Oxford University Press, 2008.
- Hjorth, Ronnie. 'Hedley Bull's Paradox of the Balance of Power: A Philosophical Inquiry', *Review of International Studies*, 33 (2007), pp. 597-613.
- Hjorth, Ronnie. *Equality in International Society: A Reappraisal*. Houndmills Basingstoke: Palgrave Macmillan, 2014.
- Hjorth, Ronnie. 'The Poverty of Exceptionalism in International Theory', *Journal of International Political Theory*, 10:2 (2014), pp. 169-187.
- Jackson, Robert. *The Global Covenant: Human Conduct in a World of States*. Oxford: Oxford University Press, 2000.
- Krasner, Stephen (Ed.). *International Regimes*. Ithaca, NY: Cornell University Press, 1983).

- Linklater, Andrew. *Men and Citizens in Theory of International Relations*, 2<sup>nd</sup> Edition. Houndmills Basingstoke: Macmillan, 1990.
- Linklater, Andrew. *The Problem of Harm in World Politics: Citizenship, Sovereignty and Humanity*. London: Routledge, 2011.
- Mayall, James (Ed.). *The New Interventionism 1991-1994: United Nations Experience in Cambodia, former Yugoslavia and Somalia*. Cambridge: Cambridge University Press, 1996.
- Machiavelli, Niccolò. *The Prince*. Ware: Wordsworth Reference, 1993.
- McKenna, Michael, and Paul Russell (Eds.). *Free Will and Reactive Attitudes*. Farnham: Ashgate, 2012.
- Morris, Justin. 'Libya and Syria: R2P and the Spectre of the Swinging Pendulum', *International Affairs*, 89:5 (2013), pp. 1268-1283.
- Nardin, Terry. 'The Moral Basis of Humanitarian Intervention', *Ethics and International Affairs*, 16:1 (2002), pp. 57-70.
- Orford, Anne. *International Authority and the Responsibility to Protect*. Cambridge: Cambridge University Press, 2011.
- Osiander, Andreas. *The States System of Europe 1640-1990. Peacemaking and the Conditions of International Stability*. Oxford: Oxford University Press, 1994.
- Rawls, John. *The Law of Peoples*. Cambridge Mass.: Harvard University Press, 1999.
- Reus-Smit, Christian. 'International Crisis of Legitimacy', *International Politics*, 44 (2007), pp. 157-174.
- Schroeder, Paul W. 'Did the Vienna Settlement Rest on a Balance of Power?', *American Historical Review*, 97: 3 (1992), pp. 683-706.
- Slaughter, Anne-Marie. 'Security, Solidarity and Sovereignty: The Grand Themes of UN Reform', *The American Journal of International Law*, 74 (2005), pp. 2961-2970.
- Strawson, Peter F. 'Freedom and Resentment', in *Analytic Philosophy: An Antology*, 2<sup>nd</sup> edition, edited by Al P. Martinich and David Sosa. Chichester: Wiley-Blackwell, 2012, pp. 372-385.
- Treacher, Adrian. *French Interventionism: Europe's Last Global Player?* Aldershot: Ashgate, 2003.
- Tuck, Richard. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. Oxford: Oxford University Press, 1999.
- Vincent, Raymond J. *Nonintervention and International Order*. Princeton NJ: Princeton University Press, 1974.
- Vincent, R. J. *Human Rights and International Relations*. Cambridge: Cambridge University Press, 1986.
- Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2<sup>nd</sup> edition. New York: Basic Books, 1992.
- Warner, Daniel. *An Ethic of Responsibility in International Relations*. Boulder & London: Lynne Rienner, 1991.
- Welsh, Jennifer (Ed.). *Humanitarian Intervention and International Relations*. Oxford: Oxford University Press, 2004.
- Wheeler, Nicholas. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford: Oxford University Press, 2000.
- Wight, Martin. 'The Balance of Power and International Order', in *The Bases of International Order: Essays in Honour of C.A.W. Manning*, edited by Alan James. London: Oxford University Press, 1973, pp. 85-115.

Wright, Moorhead. *The Theory and Practice of the Balance of Power: Selected European Writings*. London: Dent, 1975.