A Critical Investigation of the IR Theories that Underpin the Debate on Humanitarian Intervention

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Western liberal democratic states’ pro-humanitarian intervention stance is often criticised as, “the violent externalization of the project of liberal democracy under the label humanitarian intervention” (Owens, p.57). On the other hand, it is argued that non-western states’ opposition to humanitarian intervention is a self-interested attempt to protect their sovereign status – and resist the universal human rights movement evident in international society (Janse, 2006). Through critical analysis, this essay will investigate the theoretical foundations that structure these arguments. It may be that state preference with regard to humanitarian intervention is selfish in practice. However, in terms of the academic debate, it will be demonstrated that many of the disputed questions within the topic derive from theoretical dispute and not the motivation of states. Firstly, the essay will analyse the definition and meaning of the concept of humanitarian intervention. It will be demonstrated that the foundations of any theory constrain their analytical focus and that this is critical to an analysis of the topic. The essay will demonstrate that the notion of humanitarian derives from the concepts of morality and human rights. It will also evaluate the theoretical implications that this has within the debate regarding the relationship between conceptions of humanitarian and intervention. Secondly, the essay will consider the implications theory has in the debate regarding the justification of humanitarian intervention. It will be demonstrated that arguments in favour of and against it are founded on theory which is logically coherent. It will also demonstrate the impact that

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Theoretical considerations have on the questions of which actor(s) should sanction intervention and which actor(s) should intervene. Finally, it will be demonstrated that it is possible to reconceptualise the debate, through combining the principle of sovereignty with human rights, to form a ‘Third Way’ to theorizing humanitarian intervention. This section will also provide a theoretical critique of the notion that states have a duty to engage in humanitarian intervention. Throughout, the essay will demonstrate that the debates regarding humanitarian intervention have logical and plausible theoretical foundations.

1 Definitions and Theory:

Robert Cox analysed that theory, “is always for someone and some purpose” (1996, p.87). Proponents of the English School believe that the state is sovereign within a larger society of states, “which includes commonly agreed values, rules and institutions” (Bellamy, p.323). On the other hand, constructivist theories of international relations argue that the state system is both constructed by and constructing of individual state identity (Reus-Smit, 2001). This frames the types of issues and actors that they privilege as important, thus impacting the stance they take on issues within the debate. For example, the state focus of pluralist theory proscribes that humanitarian intervention is impermissible because it impedes on the sovereignty of states within the international society (Bellamy, 2003). Solidarist theory favours an international society that enforces international law in extreme cases of violation of agreed moral standards (Bull in Wight and Herbert, 1966). Critically, despite divisions between solidarists and pluralists within the approach, their similarity derives from their emphasis of the state sovereignty concept (Bellamy 2003, Dunne, Hanson and Hill, 2001). This theoretical ‘logocentrism’ constrains English School discussion between, “binary oppositions such as human rights or sovereignty; intervention or non intervention” (Bellamy, p.328). Therefore, the theoretical foundation of the English School demonstrably constrains their approach to the humanitarian intervention debate. This is important because it has an impact on the definition of humanitarian intervention and the critiques that they provide to the debate.

In order to understand the concept of humanitarian intervention it is important to analyse the concept of humanitarianism independently. The term humanitarian is
defined consistently in the literature with reference to conceptions of human rights and morality (Ayoob 2002, Baer 2011, Bellamy 2003, Gomes 2010, Roberts 2000). This provokes debate between scholars who believe that morality justifies intervention in the pursuit of preventing human rights violations, and those who defend the political morality of authority - with the sovereign state as a supreme moral authority (Devetak, 2007). Much of the debate concerning morality stems from the works of Kant and Rousseau, who, according to Gomes, conclude that, “it is unjust to stand idly by while massive human rights violations occur when it is clearly possible to stop the atrocity through intervention” (2010, p.22). These moral positions will be analysed later on in the essay. For now it is important to understand that different understandings of morality provoke different interpretations of the humanitarian concept, and thus humanitarian intervention.

The importance of human rights to the concept is well demonstrated in Janse’s analysis that, “the list of human rights that would be accepted among liberal peoples is much more extensive than the list accepted by both liberal and decent non-liberal peoples” (2006, p.679). A pertinent constructivist contribution highlights that, “Even if human rights are thought to be inalienable, a moral attribute of persons that the state cannot contravene, rights still have to be identified – that is, constructed – by human beings and codified in legal systems” (Forsythe, p.3). Thus, the ability to define the humanitarian concept demonstrably derives from particular theoretical perspectives on the universality of human rights. It is also plausible that this has an effect on the level of analysis with which theorists focus their conclusions. A universalist-solidarist theorist will be more inclined to view humanitarian intervention at the supra-national level than a pluralist theorist who focuses on the state level. In analysing humanitarian intervention scholars must be aware of the theory that underlies the definition of key terms as well as the theory which supports their conclusions. This has been demonstrated by an analysis of the theory that underpins the humanitarian concept.

The relationship between the concepts of humanitarian and intervention is important in a theoretical analysis of the debate. The classic definition, shared by most English School writers, defines intervention as, “Activity taken up by a state, a group within a state, a group of states, or an international organisation which interferes coercively in the domestic affairs of another state. It is a discrete event” (Vincent, p.3). In
contradictory addition, the ‘Welsh School’ approach suggests that conflict prevention and post-conflict re-building are also important aspects of humanitarian intervention (Bellamy, p.331). Humanitarian intervention is thus an activity taken by a state, or other actor, which interferes in the domestic affairs of another state for moral reasons concerning human rights. The definition of humanitarian is important because it structures the degree to which intervention is considered just. The solidarist-pluralist debate prioritises intervention over the pursuit of the humanitarian aspect as it, “is primarily based not on the concern for alleviating human suffering but rather on the idea that intervention must be temporally and spatially limited because it violates the constitutional rules of international society” (Bellamy, p.338). This is in contrast to theories, such as liberal cosmopolitanism, which take a more moralised view of international society and humanitarianism, thus, prioritising the alleviation of human suffering over the protection of state sovereignty. It has been demonstrated that the relationship between the concepts of intervention and humanitarianism is derived from theoretical considerations based on levels of morality and human rights. Critically, this affects the emphasis of various theories with regard to humanitarian intervention.

In an analysis of humanitarian intervention theories it is important to understand how they frame the types of issues and actors that are privileged as important, thus impacting the stance they take on issues within the debate. The term humanitarian is understood with reference to conceptions of human rights and morality. It is important to understand that different understandings of morality provoke different interpretations of the humanitarian concept, and thus humanitarian intervention. The ability to define the humanitarian concept demonstrably derives from particular theoretical perspectives on the universality of human rights. It is also plausible that this has an effect on the level of analysis with which theorists focus their conclusions. Humanitarian intervention is understood as an activity taken by a state, or other actor, which interferes in the domestic affairs of another state for moral reasons concerning human rights. It has been demonstrated that the relationship between the concepts of intervention and humanitarianism is derived from theoretical foundations concerning morality and the universality of human rights. Critically, this affects the emphasis of various theories with regard to humanitarian intervention.
2 The Right and Duty to Intervene:

The essay will now analyse the implications theory has in the debate regarding the justification of humanitarian intervention. As mentioned above, the theoretical ‘logocentrism’ within the English School discussion has dominated analysis regarding just humanitarian intervention (Bellamy, 2003). The essay argues for a re-conceptualisation of the debate through combining the principle of sovereignty with human rights. An analysis of English School theory will demonstrate that its metaphysical assumption that the sovereign state is superior to morality and universal human rights is flawed, despite the internal logic of the theory itself. In other words, there is no theoretical reason why theories of humanitarian intervention must be seen as a zero-sum-game. It will first be demonstrated that the non-intervention principle takes its theoretical basis from political morality, pluralist international relations theory, Hobbesian realism, and a defence of the sovereign state. Following this, the essay will investigate the theory that underlies the rejection of non-intervention and support of humanitarian intervention. This will involve an examination of solidarist international relations theory, the universal human rights movement, Kant’s works on morality, and liberal cosmopolitanism. Throughout it will be demonstrated that each theory is founded on differing views of morality and universal human rights, and they are thus internally logical. However, by questioning the ‘logocentrism’ of the English School the essay will demonstrate that the theories can be combined into a doctrine of “sovereignty as responsibility” (Ayoob, p.84). This maintains the English School’s recognition of the importance of state sovereignty whilst at the same time rejecting the metaphysical assumption that this makes the state a supreme moral authority. This section will also provide a theoretical critique of the notion that states have a duty to engage in humanitarian intervention.

The concept of non-intervention dominates English School discourse, with particular emphasis from the pluralist side (Bellamy, 2003). This derives from a theoretical standpoint, which argues that the state is the sole source of sovereign authority (Gomes, 2010). From this foundation, the theory derives that international order is best maintained by a system of states that respects the sovereignty of the internal affairs of other states (Ayoob, 2002). Thus, humanitarian intervention is rejected as it involves interfering in the domestic affairs of another sovereign state.
Realist international relations theorists treat international society as a state of anarchy (Gomes, 2010). In Hobbesian terms, there is no “common Power to keep them all in awe” (Leviathan, p.88). Critically, this demonstrates the realist preference of order over justice. This is critical in understanding the relegation of morals evident in non-intervention theory. International realism theorises that in the state of anarchy, “international conditions compel states to defend their interests by frequently immoral means, and this compulsion of self-defence dissolves moral duties” (Forde, pp.62-63). Realists analyse that to achieve order in international society states must retain territorial sovereignty. In an international society without respect of state sovereignty – a state of anarchy - morality would not constrain state actions. Therefore, realist theory promotes the importance of state sovereignty above morality, and thus non-intervention. Humanitarian intervention is also rejected on the grounds of a rejection of universal human rights. Pufendorf argued that human rights are not universal because there is no higher moral authority than the political state (Devetak, 2007). In addition, pluralists argue that the plurality of international society means that there is no possibility that there will ever be agreement over what constitutes human rights. Therefore, “civil society’s laws ought not be grounded in abstract metaphysical natural laws”, such as universal human rights (Devetak, p.152).

The dominance of sovereignty over morality and rejection of universal human rights have a demonstrably theoretical foundation. However, despite its internal theoretical logic, the principle of non-intervention derives from a flawed premise described as, “the perennial problem of order versus justice in the international system” (Ayoob, p.84). Devetak critiques that the metaphysical focus on state sovereignty leads theorists to ignore, “the real and profane violence committed by sovereign power in the name of security and raison d’état” (2007, p.167). Essentially, this is a rejection of the Hobbesian realism set out above. Sikkink’s analysis concludes that the “doctrine of internationally protected human rights offers one of the most powerful critiques of sovereignty as currently constituted” (1993, p.411). Pro-humanitarian intervention theory differs from non-intervention theory due to its focus on justice over order. This metaphysical assumption will be discussed later in the essay. In what follows, an analysis of the pro-intervention principle will demonstrate the theoretical basis for an international society based on shared morality and universal human rights.
The liberal cosmopolitan support of humanitarian intervention consists of three assumptions: people have equal rights and freedoms which institutions exist to protect, all people equally possess these rights and freedoms regardless of culture, religion, state, etc., and finally, the protection of these rights is a concern for all individuals, states, national and international organisations (Janse, 2006). This derives from a theoretical foundation that believes in universal human rights and the authority of morality. According to Teson, “If human beings are denied basic human rights and are, for that reason, deprived of their capacity to pursue their autonomous projects, then others have a prima facie duty to help them” (2003, p.97). The violation of universal human rights is immoral and the authority of morality in international society provides the theoretical support for humanitarian intervention. Further support for humanitarian intervention stems from solidarist theory which, “holds that diverse communities can and do reach agreement about substantive moral standards” (Bellamy, p.325). This is in direct conflict with the pluralist English School’s realist interpretation that this is not possible in a diverse international society.

Vincent’s analysis argues that human rights, “are the rights that everyone has, and everyone equally, by virtue of their very humanity” (1986, p.13). The theoretical foundations for the concept of universal human rights stem from Hobbes’s conception of human beings as possessing natural equality. Hobbes assumes that men are naturally equal, both in terms of mental and physical faculties (Leviathan, p.86). This assumption is logical to Hobbes, who analyses that, “as to the strength of the body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others” (Leviathan, p.87). As men are naturally equal they logically possess equal human rights. As all men possess these rights they are universal. Given the assumption of universal human rights, intervention is justified by the supremacy of morality over state sovereignty.

The moral right underlying support of humanitarian intervention is widely analysed in the literature (Baer 2011, Devetak 2007, Gomes 2010, Janse 2006, Reus-Smit 2001). The existence of human rights and their universality provides a moral basis for their protection by international society. However, this has a fundamental impact on the concept of state sovereignty. Kant defends the idea that, “morality provides higher authoritative norms than the authority of the sovereign state” (Devetak, pp.151-152).
His application of universal law theorizes that coercion can be moral when it is used to hinder the hindrance of freedom (Gomes, p.15). Humanitarian intervention is justified as it, “will be a hindrance to the hindrance of freedom, and will thus be consonant with freedom in accordance with universal laws – that is, it will be right” (Kant, 1991). The moral imperative to intervene on the basis of human rights violations is founded in liberal cosmopolitan theory’s focus on justice rather than the promotion of order in international society. Applying this theory to international society legitimates humanitarian intervention as a moral right of individuals, groups, states and international actors.

In addition to theories of right to intervene, there are also theories that suggest that there is a duty to intervene (Baer 2011, Devetak 2007, Gomes 2010). Kant’s definition of duty suggests it is, “that action to which someone is bound. It is therefore a matter of obligation” (1997, p.31). Kant also suggests that our duty to assist others derives from the conclusion that the assisting individual will at some point require aid for themselves (1991). In not assisting others the individual, “has willed apathy as law, any hope for assistance will be all but extinguished in these times of exigency” (Gomes, p.16). Therefore, humanitarian intervention is a moral duty. However, Buchanan argues that, “There are limits on the costs that the citizens of one state must bear to protect the rights of other persons” (1999, p.86). For example, Baer’s analysis suggests that it is immoral to place a duty to intervene on any individual – particularly in the case of intervening soldiers (2011). He concludes that, “In order to enforce such a duty we would have to disrespect the same values upon which we justify the soldiers’ action in the first place” (Baer, p.326). On this view, humanitarian intervention is morally admirable but not an enforceable moral duty where it requires the interveners to make the ‘ultimate sacrifice’ in order to protect others (Baer, 2011). It is more reasonable to assume that humanitarian intervention is a right rather than a duty.

An analysis of the theoretical basis of the alternative views on humanitarian intervention does not conclusively demonstrate which is more plausible as a practical application in international society. They both derive from internally logical and coherent theories. Critically, conceptions about state sovereignty, morality and the universality of human rights are often analysed as competing discourses - and they are.
Each theory makes a metaphysical assumption regarding the importance of justice and order. For interventionists justice is important, whereas for non-interventionists order is important. However, there is no theoretical justification for the assumption that justice and order cannot be reconciled within one discourse. It will be argued that state sovereignty is just as important as the moral protection of universal human rights. Consequently, the principles of justice and order will be combined to form a collective thesis that supports the idea of “sovereignty as responsibility” (Ayoob, p.84).

3 The ‘Third Way’ – State Sovereignty and Intervention on Humanitarian Grounds:

“Ultimately, we have a rule of non-intervention because unilateral intervention threatens the harmony and concord of the society of sovereign states. If, however, an intervention itself expresses the collective will of the society of states, it may be carried out without bringing that harmony and concord into jeopardy”

(Hedley Bull in Roberts, p.15)

The division between non-intervention and intervention theory derives from a, “tension between absolute state power and individual freedom” (Bellamy, p.522). The theories analysed above view this tension as a zero-sum game, taking polar positions on the spectrum. Hedley Bull’s analysis is particularly pertinent: “The basic compact of coexistence between states, expressed in the exchange of recognition of sovereign jurisdictions, implies a conspiracy of silence entered into by governments about the rights and duties of their respective citizens” (1995, p.80). The recognition of sovereign jurisdictions between states is used as the foundation for promoting order in international society. Humanitarian intervention is therefore illegitimate because it threatens this order. However, unqualified sovereignty is blind with regard to justice (Reus-Smit, 2001). Through combining the principle of state sovereignty with issues of justice, such as human rights, there is an evident ‘third way’ view of humanitarian intervention.

The ‘third way’ view regarding humanitarian intervention analyses that state sovereignty can be maintained alongside an international recognition of universal human rights. For example, Ayoob suggests that in cases where the state is incapable of providing, “even the minimum degree of security and order to their populations”,
sovereignty ceases to exist (2002, p.82). This derives from the Hobbesian formulation of the social contract. In cases of human rights violation the state has failed to uphold its duty to prevent the lives of the citizens from becoming “poor, nasty, brutish and short” (Leviathan, p.89). Therefore, there is no obligation to the state and sovereignty ceases to exist. When circumstances are such that sovereignty ceases to exist humanitarian intervention is justified by the same arguments as outlined above by pro-intervention theory.

‘Third way’ theory also demonstrates a logical argument in favour of humanitarian intervention in a sovereign state that commits human rights violations within its territory. For Walzer, a legitimate sovereign state is one where, “government adequately reflects and expresses the shared traditions, values, and aspirations of a community” (Janse, pp.672-673). Given internal self-determination - political sovereignty and non-intervention are essential in protecting the citizens of the state from being controlled by external states or organisations, without their expressed will (Walzer, 1980). It would be immoral to intervene in such a state. Therefore, Walzer believes humanitarian intervention is justified in the event of human rights violations. Firstly, it would be “cynical and irrelevant” to believe that a state which massacres or enslaves its own citizens is self-determining (Janse, p.674). In such situations the state is illegitimate and thus loses its claim to sovereignty. Walzer’s second defence of humanitarian intervention derives from theory of shared morality. Acts such as state massacre and enslavement, “shock the conscience of mankind”, and justify intervention (Walzer, p.209).

The conceptions of state sovereignty and universal human rights are thus combined into one distinct doctrine. State sovereignty is protected except in cases where sovereignty is demonstrably illegitimate and morality justifies intervention in order to protect universal human rights. Therefore, a doctrine of ‘sovereign as responsibility’ has been theorised. Importantly, the “rejection of the metaphysical comfort invested in the state” should not be mistaken for “dogmatic anti-statism” (Devetak, p.172). The theory supporting the ‘Third Way’ suggests that humanitarian intervention is justified when states are in violation of the responsibilities upon which their sovereignty obliges them to fulfil. It provides a critique of the concept of sovereignty with regard
to justice, whilst accepting the importance of sovereignty to maintaining order in the international system.

Moses criticises the notion that state sovereignty is conditional (2006). Accordingly, humanitarian intervention, “puts forward the supremacy of individual rights as an unquestionable fact, and bases this upon conscience” (Moses, p.74). ‘Third Way’ theory is flawed, in Moses’s account, because it grants the concept of universal human rights a metaphysical status. This is a correct analysis, however, it is pertinent to realise that each of the three views analysed throughout this essay place some measure of metaphysical status on concepts of justice and order. At the start of the essay it was demonstrated that theory, “is always for someone and some purpose” (Cox, p.87). Therefore, theories concerning humanitarian intervention will always privilege some concepts over others, giving them metaphysical status. The ‘Third Way’ is the least guilty, in this respect, because it privileges both the concepts of state sovereignty and human rights equally. It avoids the theory-constraining zero-sum game of the dominant English School discourse. Humanitarian intervention is only justified where the state forfeits its sovereignty, either by breaking the social contract or through human rights violations, or both.

There is also merit in the conclusion that, “the list of human rights that would be accepted among liberal peoples is much more extensive than the list accepted by both liberal and decent non-liberal peoples” (Janse, p.679). Lyons and Mastanduno, in respect of this fact, question, “who determines that a state has not met its sovereign obligations and that the consequences are such that intervention to force compliance is justified” (1995, p.8). With regard to ‘Third Way’ theory, the question considers which agent(s) will determine whether the actions of a particular state negate their sovereignty. A different conception of human rights in different countries makes this a particularly difficult question to answer. In practice international law dictates that the United Nations Security Council is responsible for this function (Janse, 2006). Therefore, the dominant view is that humanitarian intervention is a right held by states in the society of states (Baer, 2011). The state-focus derives from the view that individual agents have a moral duty to protect the freedom of others. It is argued that, where humanitarian intervention is necessary, “the moral obligation that individuals have to intervene can only be discharged collectively through the institution of the
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state” (Gomes, p.18). This is potentially problematic as, according to Walzer, humanitarian intervention is an imperfect duty because, “even when it is justified...no specific state in the society of states is morally bound to do so” (Gomes, p.19). This area of interest is divided between those who view the state as the legitimising body of humanitarian intervention, and those who view supra-national organisations in international society as the legitimising body (Bellamy, 2003).

4 Conclusion:

Robert Cox analysed that theory, “is always for someone and some purpose” (1996, p.87). This frames the types of issues and actors that they privilege as important, thus impacting the stance they take on issues within the debate. It is important to understand that different understandings of morality and universal human rights provoke different interpretations of the humanitarian concept, and thus humanitarian intervention. In analysing humanitarian intervention scholars must be aware of the theory that underlies the definition of key terms as well as the theory that supports their conclusions.

The concept of non-intervention dominates English School discourse. This derives from a theoretical foundation that the state is the sole source of sovereign authority. Humanitarian intervention is rejected as it involves interfering in the domestic affairs of another sovereign state. The dominance of sovereignty over morality and rejection of universal human rights have a demonstrably theoretical foundation. The realist conception of the state of anarchy is critical in understanding the relegation of morals evident in non-intervention theory. Humanitarian intervention is rejected on the grounds of a rejection of universal human rights. Pluralists argue that the plurality of international society means that there is no possibility that there can be agreement over what constitutes human rights. Devetak critiques that the metaphysical focus on state sovereignty leads theorists to ignore, “the real and profane violence committed by sovereign power in the name of security and raison d’état” (2007, p.167). Support of humanitarian intervention consists of three assumptions: people have equal rights and freedoms, all people equally possess these rights and freedoms, and, the protection of these is a concern for all people. This derives from a theoretical foundation that supports universal human rights and the authority of morality. Further support for
humanitarian intervention stems from solidarist theory which, “holds that diverse communities can and do reach agreement about substantive moral standards” (Bellamy, p.325). Given the assumption of universal human rights, intervention is justified by the supremacy of morality over state sovereignty.

The ‘Third Way’ view regarding humanitarian intervention analyses that state sovereignty can be maintained alongside an international recognition of universal human rights. There is no theoretical justification for the assumption that justice and order cannot be reconciled within one discourse. This theory demonstrates that state sovereignty is protected except in cases where sovereignty is demonstrably illegitimate and morality justifies intervention in order to protect universal human rights. It provides a critique of the concept of sovereignty with regard to justice, whilst accepting the importance of sovereignty to maintaining order in the international system. ‘Third way’ theory is flawed, in Moses’s account, because it grants the concept of universal human rights a metaphysical status (2006). However, it is pertinent to realise that each of the three views analysed throughout this essay place some measure of metaphysical status on concepts of justice and order. The ‘third way’ differs because it avoids the theory-constraining zero-sum game of the dominant English School discourse. The essay has demonstrated that the debates regarding humanitarian intervention have logical and plausible theoretical foundations. Analysis of the theories relating to humanitarian intervention demonstrates the plausibility of a ‘Third Way’ to theorizing humanitarian intervention.

Bibliography


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