

ABSTRACT

Nonintervention and its Possible Exceptions: International Society's Response to Civil War

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Nonintervention is the principle in international relations that prohibits states from interfering in the internal affairs of another. This norm faces challenges in the form of interventionist policies that seek to end civil wars and their human costs. I propose that nonintervention is the best default policy for the international system. Nonintervention serves to both respect states relationship with their citizens and to provide stability in the international state system. But, it is only a guide and in situations where it fails to provide for the end it was meant to, it may become more prudent to suspend the norm in favor of intervention. One of the goals of my thesis is to discern the situations in which to suspend the principle of nonintervention.

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NONINTERVENTION AND ITS POSSIBLE EXCEPTIONS: INTERNATIONAL
SOCIETY'S RESPONSE TO CIVIL WAR

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TABLE OF CONTENTS

CHAPTER ONE: Introduction	1
CAPTER TWO: Nonintervention	8
CHAPTER THREE: Humanitarian Intervention	26
CHAPTER FOUR: Counter-Intervention	51
CHAPTER FIVE: Conclusion	75

CHAPTER ONE

Introduction

According to the Uppsala Conflict Data Program, there were twenty-four ongoing intrastate conflicts in 2013.¹ How might states best respond to civil wars; what guidelines could they follow to aid their response? In my thesis, I seek to answer these questions by appealing to ideas of international society and the norms that guide state behavior within this society. Given the fact that civil wars occur and that states must develop some policy regarding civil wars, even if that policy is doing nothing, it is necessary for states to adopt normative guidelines for addressing civil war. I argue that the norm of nonintervention is the default response that best serves the purposes of international society. Taking into account the principles underlying international society, especially its respect for states' sovereignty and, by extension, the relationship they have with their citizenry; nonintervention is the response that best allows states to be self-determining and free from foreign control. However, there are cases in which the default position of nonintervention may not be the best alternative to serve the purposes of international society. I consider two such possible exceptions, the first being humanitarian intervention. In this situation, a state or groups within a state have committed atrocities that threaten the very existence of some number of the state's citizens. A humanitarian intervention violates the state's sovereignty in order to rescue these people, and it can also have long-term benefits for both the perpetrators and international society. The second situation is one in which an unjust intervention has already occurred and the

¹ "Uppsala Conflict Data Program," last updated November 27, 2014, <http://www.pcr.uu.se/research/ucdp/>

interventionists seeks to mitigate its effects. Counter-intervention, as it is called, seeks to provide aid to accomplish this task. I also suggest that counter-intervention might be capable of making unjust intervention an ill-bargain for aggressive states.

It should be noted that I borrow many assumptions from Michael Walzer in my analysis of intervention and nonintervention. Primarily, I assume that the purpose of a state is to serve the community that lives within its borders, that it is an extension of these people and an expression of their identity. As such, nonintervention serves international order by preserving the unique groups of people that states are a representative of. However, I also move beyond Walzer's assumptions about how states should relate to each other. States have interests and functions that are not concerned with other states as moral agents representing a people. States are self-interested, and the principal rationale for intervention or nonintervention is to pursue these self-interests. So, I find that intervention and nonintervention is justified differently and, in the case of intervention, more often than Walzer recognizes. As norms, they can shape international relations so that states can pursue their self-interests in a manner that is customarily ordered and does not create an atmosphere of uncertainty and fear which would make interstate conflict more likely.

In my first chapter, I argue that nonintervention is the best default response to civil wars because it respects sovereignty and therefore allows states to self-determine their future. Although an examination of states' structure and institutions might lead one to conclude that they are remarkably similar, the internal lives of states are quite diverse. This arises from the fact that states are populated by people, and people develop unique identities due to their inhabitation of varied territories and their unique histories that shape

their development. Sovereignty, as a key norm of international society, respects states as bounded to their people and as serving their interests and desires. Nonintervention guards states' sovereignty by establishing a norm that states cannot interfere in the domestic affairs of other states. In the event of a civil war, nonintervention is beneficial to a state in that it allows the state, and its citizens, to determine their future. The conflict is not to be seen as something in need of remedy, but as part of the process as self-determination.

It is prudent for states to take into account the consequences the possibility of their actions being adopted as normal behavior. As a norm, nonintervention serves the purposes of sovereignty and respects the unique identities which states are meant to gain from their citizens. Maintaining it as a norm makes it less likely that states will forcibly interject themselves into the domestic affairs of other states in order to pursue their own interests. Even if they do seek to do so, they will most likely bind themselves to some hypocrisy used to justify their actions. If nonintervention were not the default position states were asked to adopt when observing others' civil wars, states could more easily find excuses to impose their will on other states when civil war offered the opportunity.

At times, however, situations might arise in which observing nonintervention would undermine the purposes for which nonintervention is normally observed. In these cases, it would best serve international society to clearly define exceptions to the norm of nonintervention. If nonintervention fails to ensure sovereignty and self-determination, then intervention might be better equipped to do so; but these interventions would have to serve the same purposes that nonintervention normally does. Simply put, abnormal situations likely require an abnormal response, in this case violating nonintervention. In

my second and third chapter, I examine two possible exceptions to the norm of nonintervention.

Humanitarian intervention would possibly be adopted when the conditions of a civil war are such that the state's citizens are facing conditions so perilous that they are in need of rescue. Some belligerent in the conflict has resorted to atrocities that threaten the survival of groups of people within the state and/or their ability to live a normal life. When this occurs, observing nonintervention would allow these people to continue living, or perhaps dying, in the conditions pressed upon them by the state or some other group of people within the state. Humanitarian intervention serves to prevent this from continuing by rescuing the afflicted. This rescue is compatible with the logic of nonintervention because it attempts to extend to these people the protection which a state is meant to provide its citizens. The purposes of sovereignty and nonintervention are not served by allowing murder and egregious behavior to go unchecked, and in this case are justifiably infringed upon in order to rescue those that are in dire need of rescue.

In addition to rescuing the population, I question whether humanitarian intervention might have other benefits. States engaging in activities atrocious enough to warrant humanitarian intervention are acting in a manner that undermines the purposes of international society. Humanitarian intervention might socialize them to be better members of this community. Beyond this, it establishes a precedent against allowing atrocities, a precedent which might dissuade other regimes from committing atrocities themselves. Thus, humanitarian intervention could possibly prevent the adoption of atrocities as a normal response to internal conflict. This coerces states into respecting

basic conventions of conduct that underlie most moralities, including the moral assumptions underlying the logic of international society.

After analyzing my selected cases, the Holocaust and the Former Republic of Yugoslavia, I argue that humanitarian intervention serves international relations by rescuing a people, educating states so that they are better members of international society, and making provisions against states adopting atrocities as a normal response to internal conflict. By intervening when atrocities have become dangerous to a people's very survival, humanitarian intervention manages to prevent the sufferings that would otherwise occur. But, humanitarian intervention also provides an opportunity for an intervening state to educate regimes that have decided to ignore basic moral assumptions concerning human dignity. This education would likely make these regimes better members of international society. It would also serve international order by making other states realize that they could suffer intervention as well, thus making them less likely to commit the crimes committed by the criminal regime.

In my third chapter, I consider whether counter-intervention is a justifiable exception to nonintervention. Counter-intervention occurs after a previous, unjust intervention and seeks to mitigate the effects it had on the afflicted state. According to Michael Walzer, counter-intervention, properly conducted, gives aid to a belligerent party in proportion to the aid that their opposition has received from the previous interventionists. It is concerned with maintaining the integrity of a state's sovereignty by ensuring the outcome of the war is self-determined by the state's citizens.² By matching the intervention already underway, counter-intervention seeks to restore a balance that

² Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), pp.96-101.

had existed between the belligerents before the intervention occurred. When this balance is restored, the end of the civil war will presumably be similar to the outcome that would have resulted from a lack of intervention.

I also propose that counter-intervention might be beneficial to international society by making unjust interventions an ill-bargain and thus enforcing the norm of nonintervention. Interventionism might be a low cost method for a state to pursue its interests, if the norm of nonintervention is not enforced. If state intervenes and then another state counter-intervenes, then they are forced to increase their support for their chosen side; and if the counter-interventionist is willing to increase its aid in response, then the interventionist might enter a cycle of ever increasing costs if it continues to pursue its interests. In this way, counter-intervention can create an effective tool for preventing the unjust violation of nonintervention.

In analyzing counter-intervention, I argue that counter-intervention fails to meet Walzer's criteria that it seek to maintain natural balances within the state. States are concerned with their own interests when they seek to intervene in the affairs of another state. As such, they will not simply intervene to ensure the dignity of a state's sovereignty, to see that the outcome of conflict is determined by the state itself. They intervene with their own interests in mind, and they will seek to shape the balances to favor their interests. In a counter-intervention, they enter into a contest with a previous interventionists over whether the state will favor one or the others competing interests.

But, this does not mean that counter-intervention fails to serve international order. By counter-intervening, a state makes the costs for the first intervention greater. As such,

it means that interventionists that merely seek to change a state's domestic institutions to fit their interests cannot expect that this goal can be attained at a minimal price. Counter-intervention as a norm of international society means that the interventionists can expect that their actions will be met by another state; and they will then not be involved in a struggle among the local inhabitants of the state, but also with another strong, capable state as well. Counter-intervention serves international society by deterring intervention by raising the costs.

In summary, I argue for maintaining nonintervention as the normal response to civil wars, but acknowledge that it sometimes fails to best serve the purposes of international society. In these cases, clearly defined exceptions that adhere to the logic on which nonintervention is founded are the best alternative for addressing the situation. The first possible exception is humanitarian intervention, an intervention to rescue a population from atrocities committed by their state's regime or some other group within the state. The second possible exception is counter-intervention, intervention to address the ill-effects of a previous intervention. Both exceptions, if they are indeed justifiable exceptions, are in response to situations in which nonintervention's goals have already been compromised and require that it be suspended in order to serve these goals.

CHAPTER TWO

Nonintervention

In this chapter, I argue that the principle of nonintervention is best suited to guide debate over intervention or inaction in the face of civil wars. As a norm that seeks to preserve sovereignty in international relations, nonintervention is key to preserving the purposes states serve for their community and preserving the international society states share with one another. In keeping with the amount of diversity characteristic of the human condition, sovereignty and nonintervention allow for peoples to establish their own civil societies that best serve their desires and interests. They address the problems of human diversity by allowing people to be organized into states, the largest unit that allows for this diversity to be preserved while still providing the goods of living under a sovereign power. Besides preserving the unique domestic structures founded by different communities, nonintervention also helps preserve the international society that states exist within. Given that international society's laws are the agreed upon behaviors of states, international law should adopt norms that maintain the system and provide assurances of this maintenance in order to prevent states from disrupting the system out of fear. Better than intervention, nonintervention meets these criteria by maintaining that the sovereignty of each state is to be understood as inviolable unless that state acts in a way that threatens international society or its purposes. Nonintervention also limits recourse to war, and it avoids the problems of perceived injustices that arise from intervention; this provides for a more stable international society. I should note that while I argue that the average civil war does not warrant intervention, there may be

circumstances in which the actions taken in the war are so egregious that maintaining the norm of nonintervention is farcical. But, these cases are explored in a latter chapter and not here.

Nonintervention is the principle of not interfering in the domestic politics of other states. It is related to the understanding of international society as composed of sovereign states, not subject to any external forces that would undermine their sovereignty, each state having an equal legal status. This view is considered by many to be have been enshrined in the Peace of Westphalia. Although the parties to the treaty did not likely see themselves as creating a new, revolutionary order, this significance became ascribed to the treaty later.¹ Sometime after the treaty, states came to be understood as existing within a system of independently administered territories sharing space. This state system would be

the formal unity of an association of independent political communities each pursuing its own way of life within certain acknowledged limits: that is, according to generally recognized rules through which cultural individuality and communal liberty are guaranteed, subject only to the constraints of mutual toleration and mutual accommodation.²

Nonintervention is a defense of this system in that it establishes a rule against states pressing their will upon other states, preventing their independence and individuality. Without such a rule, it would be conceivable for a state to impose its will upon other countries in the formation of their internal policies, or simply to ignore a state's territorial integrity and carve off sections for itself or its interests.

¹ Peter M. R. Stirk, "The Westphalian Model and Sovereign Equality", *Review of International Studies* 38: 643

² Terry Nardin, *Law, Morality, and the Relations of States* (Princeton: Princeton University Press, 1983), 50.

Sovereignty is a fundamental aspect of the international system dating to the advent of modern political structures in Europe. Before the advent of the modern state system, Europe's societies were organized in *respublica Christiana*. It was a complex network of intermingled principalities and commonwealths, and, unlike the modern state system, they did not have a uniform organizational unit. All of these were tied to the church in some way and were therefore not the highest authority within the territories they administered. Renaissance Italians first began to break from this model when they entertained a system of independent territories pursuing their interests through statecraft. Emblematic of this thought was Niccolo Machiavelli and his vision of statecraft which is seen as foundational to *raison d'état* theorizing. Also at this time, the Protestant Reformation, notably under Martin Luther, caused the end of solidary acceptance of Rome as the supreme political authority in Europe. The political thought of Machiavelli combined with the theology of Luther helped bring about the collapse of *respublica Christiana*. After years of fighting, the infamous 30 Years War was brought to a close by the Peace of Westphalia in 1648 which recognized the plural nature of European societies.³ The concept of sovereignty came from a newfound recognition of the need to respect the differences in communities and the danger of widespread political violence if diversity was not accommodated.

Thus, sovereignty and the international system founded upon it offered a solution to problems arising out of human diversity. The state system enabled Europe to restructure its political organization, respecting that not all states shared common interests and desires. Religious and cultural differences led the communities once

³ Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000), pp. 156-63.

contained in Christendom to war over who would be politically dominant. Fear and want of power led these communities to spill massive amounts of blood, and this bloodshed in turn led them to the realization that they needed to “find a settled and predictable way to live side by side on a finite planetary space without falling into mutual hostility, conflict, war, oppression, subjugation, slavery, etc.”⁴ Not only did this solve Europe’s crisis, it also managed to reflect an understanding that human society is not uniformly dedicated to common ends.

States are different from each other, indeed hugely different... There is almost unlimited heterogeneity in the history, politics, ideology, religion, language, ethnicity, culture, customs, traditions, of the member states in global international society. It would be unrealistic those differences to be significantly reduced or marginalized or rendered irrelevant to world political life any time soon. Human diversity is a reality of world politics. Statespeople must somehow find a way to navigate across that differentiated human world... The global covenant can be understood as an institutional answer to the diversity of humankind. It acknowledges and accommodates the fact that human beings are inclined to associate under different flags in different groups that occupy different territories on the planet. People want to do their own thing in their own way in their own place.⁵

In participating in civil society and governed activities, people are likely to unquestionably accept that they are under the authority of some institution that has been constructed to protect them and the members of their community. But, they also desire rule that reflects their interests, their history, and their way of life. States provide an answer to this problem by providing the institutions that bring civil peace, holding a territory large enough to hopefully protect against outside aggression, and allowing people to have a system they feel reflects their identity.

⁴ *Ibid*, p.181.

⁵ *Ibid* p.403

States are also the unit that serves their internal communities in the international system.

Jackson presents states as means that are hopefully used for the good of their community.

Real flesh-and-blood people, men and women and their children, are of course the ultimate normative references for international society: there is a fundamental moral sense in which they are primary and everything else is either secondary or tertiary. Humans are ends not means. To think otherwise is to be in possession of a monstrous idea. States are not ends. States are organizations that are formed and sustained by people for the benefit of those same people and maybe also for the common good of the world at large.⁶

In international society, states are the organizational unit that represents the community and its interests among other states. They have sovereignty so that they might serve the interests of their constituents through the making of domestic and international policies. It is desirable to maintain and protect these states because they serve their community, which is composed of individual persons. To meddle in the affairs of the state is to meddle with the construction people have to implement their will.

As such, one should presume that there is a “fit” between states and the communities they administer. States are “not a gang of rulers acting in its own interests, but a people governed in accordance with its own traditions. This presumption is simply the respect that foreigners owe to a historic community and to its internal life.”⁷ Walzer’s “fit” allows for an understanding of the fact that political bodies have joined for varying reasons and that their states reflect these differences. There is not a uniform pattern of internal policies for states; they necessarily share only the bare requirements of presumed sovereignty, the ability to administer territory. Each state is unique in that it is the result of particular historical circumstances and social pressures, making it an expression of the

⁶ *Ibid* p.112

⁷ Michael Walzer, “The Moral Standing of States: A Response to Four Critics” *Philosophy & Public Affairs* 9, p.212

community it represents. Respect for different historical communities and their internal life is not moral agreement with the nature of their institutions, but it is instead an understanding that peoples have formed their institutions as a reflection of their communal identity. Restricting legitimate sovereignty to states that employ institutions judged to be most agreeable with one's own moral outlook is not simply denying the legitimacy of these forms of government, it is failing to recognize the historical processes that led to state formation and failing to realize that the world is populated by distinct peoples that developed institutions according to their unique circumstances.

If a fit exists between a state and the political community it represents, then an attack on the state is, in effect, an attack on that community. Just as we value our communities and the state that represents us, so the people of these particular communities value theirs. They would feel just as bound to resist invasion, or simple external coercion, as we would.⁸ This has important implications on decisions concerning intervention. In cases where we think intervention is justified in order to free these communities from arbitrary or seemingly unjust rule, we would not be their liberator. The communities that we sought to liberate could have a relationship with their state that reflects their communal desires and history. To forcibly take their form of state away would be to impose our own form of state upon them. It would amount to an attempt to force the proverbial horse to drink. This would create a state that did not fit the social context it must administrate in; it would likely be an unstable state that would have opportunity for further violence within the community, possibly on a scale not previously witnessed.

⁸ *Ibid*, pp. 212-13

One may object that there is no fit between the state and the society when states fall into civil war, and this lack of fit means that nonintervention simply allows civil war to go unchecked. It can be said that states involved in civil war are failing to meet their purposes as the government of a distinct people. In fact, one might say that this type of conflict is evidence that the state is far from fitting the people and that it may now be just to help reinstitute a fit. For some, civil war is evidence of injustice best addressed with intervention.

I answer that a state's fitness does not reflect a single moment in time; but it is the maintenance of a relationship between the state and the community. As Walzer states,

Community rests most deeply on a contract, Burkeian in character, among 'the living, the dead, and those yet to be born.' ... The moral understanding on which the community is founded takes shape over a long period of time. But the idea of communal integrity derives its moral and political force from the rights of contemporary men and women to live as members of a historic community and to express their inherited culture through political forms worked out among themselves.⁹

In other words, a state's sovereignty is not to be respected because of an adherence to some historical moment of agreement about what the state should be. Rather, sovereignty is to be respected because states have their own historical trajectory. The evolution of the state reflects the evolution, or stasis, of the community. Thus, the most fit state is the state that best fits the culmination of the internal life of the community to the very moment. It is the expression of the community's historical processes that have happened, are happening, and are perceived to be coming. Careful observation will reveal that this is not a stable condition but a process of navigating tumultuous and competing social conditions. But, it is nevertheless what states are.

⁹ *Ibid*, p. 211

In acting as an expression of the history and character of its internal community, the state is subject to negotiations between competing societal interests. Civil strife will always be present in states. There exists a multiplicity of opinions in states, and the direction that the state takes is subject to the negotiated compromises between these opinions. Opinions will be expressed publicly in some states and held privately in others; but no matter what the state's form of government, it will never divorce men from their opinions. To effectively govern, the state will need some amount of consent from the community. The community must lend its support or, at least, its peace in order for the state to continue administration unimpeded. It should also seek to reflect policies that are agreeable to the community in order for them to be peaceful. So, the state is bound to engage in compromises between different social goods, and portions of the society will advocate different directions for the state to take. Depending on the particularities of the state and the society, the community may be actively involved in this process or mostly inactive in the state's political life, but whatever the situation, the state and the society are always subject to social negotiation.

Additionally, social negotiation can be carried out through violent means in hopes of shaping and coercing adherence to communal desires. If other means of social negotiation have failed or are disallowed by the state; then the community can resort to violence. Simply, they can rebel. "An unpleasant truth often overlooked is that although war is a great evil, it does have a great virtue: it can resolve political conflicts and lead to peace."¹⁰ War, by its nature, is a process for working out conflicts. It may be considered abhorrent, but it can also be effective, especially when other means of conflict resolution

¹⁰ Edward N. Luttwak, "Give War a Chance", *Foreign Affairs* 78, p. 36

have proved inadequate. In resort to rebellion, a community is given a process through which it can remedy any discrepancy it finds in what the state does and what they expect and desire it to do. Civil war provides a means of reinstating a social order once the order has been abandoned, or a portion of the community large and powerful enough to sustain rebellion have become upset with the current terms of the order.

Also when considering civil wars, intervention is not a prudent policy because if the community has rebelled in order to liberate itself, it must fight for its own freedom if it is expected to maintain it. When considering the question of intervention, John Stuart Mill states,

When the contest is only with native rulers, and with such native strength as those rulers can enlist in their defence, the answer I should give to the question of legitimacy in intervention is, as a general rule, no. The reason is, that there can seldom be anything approaching to assurance that intervention, even if successful, would be for the good of the people themselves. The only test possessing any real value, of a people's having become fit for popular institutions is that they, or a sufficient portion of them to prevail in the contest, are willing to brave labour and danger for liberation.¹¹

If people are given liberation through intervention without them having braved war's toils themselves, it is unlikely that they will appreciate the gift they are given. They are likely doomed to fail through ignorance and a lack of investment in their new institutions. As they did not dare win liberty for themselves, they are unlikely to be committed to the ideal. It is also important because the liberty provided by an external actor is not representative of the liberty the community was to likely achieve on its own, and it is likely that it is not historically capable of maintaining the thought and societal conceptions necessary to enjoy the institutions it inherited from an intervening force.

¹¹ J. S. Mill, "A Few Words on Non-Intervention", p. 122

Stopping civil wars prematurely may also further postpone a sustainable peace. The community within the state is still plagued by tensions that can lead to outbreaks of violence. War leads to peace when it is fought until a resolution is reached, whether through negotiations after exhaustion has set in or through the victory of one side over the other. The imposition of cease-fires through external actors tends to give the groups a chance to rearm and regroup, making civil wars last longer than they would have if they had developed more naturally.¹² For a community to work out the terms under which they are to live, they must come to agreement with each other. The likelihood of agreement is lessened if they believe they are capable of seeking better terms through continued hostilities. The horrors of war and the exhaustion they bring make an agreed upon peace better than civil war, but the horrors and exhaustion must be felt if they are to lead to resolution. By prematurely ending wars, external actors try to work out a peace between groups that still aspire to see their vision of societal ends prevail instead of a community ready to lay out the terms of a peaceful civil society.

Besides preserving the relationship between communities and their states, nonintervention helps to preserve the international community of states. By respecting the individuality of each country and its native community and subjecting themselves only to restrictions based upon toleration and accommodation of one another, the modern state system preserves a unique community of self-determining communities.¹³ The law of nations rests upon recognition of states as the expression of their communities; the status of sovereignty is granted based on a presumption that states fulfill this role. The goal of nonintervention is to ensure, as best as is possible, the rules upon which states do not

¹² Luttwak, pp.36-7

¹³ Nardin, *Law, Morality, and the Relations of States*, pp. 49-50

infringe upon the internal dynamics of others and upset their civil peace. Nonintervention is a guardian of a plural community of states; it preserves communities from being subjected to terms of civil peace not expressive of their own needs and desires.

It may be argued that intervention serves these purposes of international society as well as nonintervention, but state practice in the nineteenth century provides examples to the contrary. After the French Revolutionary Wars, the monarchial powers sought to use a policy of intervention to keep the peace in Europe. In essence, they were using their coercive and, at times, military powers to dissuade revolutions and to protect their states. After differences of opinion with allied states and reservations about the actual crushing of rebellions, the British left the alliance and Foreign Minister George Canning would side with the United States in opposing European intervention in the Americas.¹⁴ The actions of the European Powers amounted to directing the internal order of other states to reflect their own interests. The states were not allowed to be expressions of the community but instead had internal policy dictated by their alliances and the desires of more powerful nations. A policy of intervention opens the door for meddling in the internal dynamics of another state in order to further one's own interests. We are tempted to call policies like these immoral, as we should, but ostensibly the goal of the interventionist policy was to keep peace. The reason we rightly feel uneasy about the policy is that it creates states that are separate from their internal communities and this creates an unstable community of states that must be maintained with arms. This is because there will always be rebellious factions in these states that seek social change,

¹⁴ Simon Chesterman, *Just War or Just Peace?*, (Oxford: Oxford University Press, 2001), pp.22-23

and instead of the community shaping the state, the state and its powerful allies forcibly shape the community.

Although both intervention and nonintervention have been used to affect the status quo of the international system, nonintervention better fulfills the purposes of the international system. Intervention has been and is undertaken at times to maintain a balance of power scheme or to change the balance to a state's favor. It is almost always aimed at weak powers, great powers being more prone to forcibly protect their interests.¹⁵ To avoid naïveté, it should be admitted that nonintervention can serve some of the same purposes as well; both principles can be used for noble or ignoble purposes. But, holding states to a norm of nonintervention will more favorably serve the international system. Intervention opens room for meddling in the internal affairs of other states under a variety of pretexts. Nonintervention reinforces the sovereignty of states, allowing for a greater respect for states as the unit used by communities to relate to each other. With a principle of intervention, the international system is more susceptible to being threatened by the desires of great powers. These powers could shape the system to fit their vision of the system. Through nonintervention, states are respected as the representatives of unique communities, and any meddling in their internal affairs could only be justified by some threat posed to international society or its purposes.

States exist within a society of agreed upon behaviors, enforced or ignored by the states themselves, which help ensure the survival of the system. International society is “a world of expected and required conduct”. The society itself has no power or authority outside of the power and authority of the states that form it. There is no significant

¹⁵ Martin Wight, *Power Politics*, (London: Continuum, 2002), p. 196-7

government, only what rules might be enforced by the states themselves.¹⁶ As such, the states that form international society establish the rules under which they coexist. The rules, international law, are what they collectively decide is in their interest to follow. International law is simply the behaviors states agree to follow. Unlike the binding laws found in civil governments, international law is the decorum states follow in hopes of maintaining their dominion. Without this international politesse, like the norm of nonintervention, states would be more prone to conflict in preserving themselves against perceived threats. So, the norms of international society, their laws, are of a character that best preserves the order under which the community of states and, by extension, the communities within states are capable of existing in their own unique nature.

The role of agreement in international society means that states have to rely on each other to maintain their society, making norms that provide assurances to states crucial to maintaining order. Considering the relative immortality of states, Martin Wight says, “Our common mortality makes us more interdependent than we might otherwise be. As Homer’s depiction of Olympus shows, a society of immortals will be looser than one of mortals. Such a society cannot easily coerce a recalcitrant member if consensus breaks down.”¹⁷ From this increased interdependence of states on each other, it can be imagined that states should adopt international laws that are meant to maintain their system by providing assurances that the system will preserve states as best as possible. Better than a policy of intervention, nonintervention provides such an assurance. Nonintervention not only protects the relationship between states and their community, it protects states relationships with each other. Without the preservation of this relationship, it would be

¹⁶ Robert Jackson, *The Global Covenant*, pp. 102-4

¹⁷ Martin Wight, p.107

near meaningless to consider the relationship between state and community. Without assurances in international society, states will have an incentive to exercise their power to provide security for themselves, and this desire to preserve their community may lead them to disrupt other communities. Nonintervention, based in its respect for states' sovereignty, provides a norm that mitigates these relative insecurities. If a norm of nonintervention is upheld, and it is understood that states are willing to enforce the rule (although accepting nonintervention as a principle does not oblige them to enforcement in all circumstances); then states will inhabit a more stable system that will better protect the pluralism of human societies across the globe.

Nonintervention also limits possible resorts to war.

The opposition to intervention, even for the purposes of doing good, is based on deeper insights than the needs of seventeenth-century political settlement... The first concerns the need to limit resort to war. This puts an emphasis upon restricting the impulses to violent solutions to political problems and does so by allowing such resort only in the most palpable circumstances of justification.¹⁸

By considering the just war tradition, Coady considers how nonintervention constrains war. One type of consideration under *jus ad bellum*, justice in going to war, of the just war tradition is just cause. If nonintervention is taken as a just cause consideration, it restricts the number of conflicts in which states can appeal to justice if they decide to seek a violent solution. On the other hand, if intervention is a default position in just cause considerations, it opens options for states to use force to pursue its interests.

Interventionism may be adopted due to legitimate moral concern for individuals in states, but it opens the international system to greater instability. Interventionism would increase

¹⁸C.A.J Coady, "War for Humanity: a Critique", *Ethics and Foreign Intervention*, ed. Deen K. Chatterjee and Don E. Scheid (Cambridge: Cambridge University Press, 2003), p.282.

states' security concerns and open the international system to the problems created by both those who exploit the principle and from a lessened respect for sovereignty.

Besides limiting resort to war, nonintervention can help prevent feelings of injustice that arise from one state forcibly changing the outcome of events in another.

Intervention by a great power in the affairs of a weak-power usually engenders resentment and xenophobia: anti-Russian feeling in Poland and the Balkans, anti-Yankee feeling in Latin-America, anti-British feeling in Egypt, anti-Western feeling in China are sufficient examples.¹⁹

By intervening in other countries, states create hostility towards themselves. Across the world, nations feel they have been wronged by having a foreign power dictate to them what their society should be. There is a perceived injustice when they see a foreign power involved with the governing of their territory and society. They do not feel that foreigners likely have their best interests at heart and are instead seeking opportunity. There is a likelihood that the intervening force will be seen by many as self-interested and those cooperating with them considered corrupt and venal. And given that the intervening force is stopping the internal processes of the state, they may be establishing a system not meant for the people, thus creating further grievances in the population. Nonintervention avoids creating these hostilities by keeping strong states from forcibly changing the conditions in weak states. Thus, these nations will not feel abused from these states, or at least, they will have fewer reasons for feeling abused.

Nor is derision and anger limited to coming from within the state that suffered an intervention, it may also come from disapproving members of the international community. While discussing the role of the individual and human rights in international

¹⁹ Martin Wight, p.196

relations, Robert Jackson notes that only in Europe, where there is extensive intermingling of the international and the domestic, is there much room for the individual to become directly affected by international law. Europe's international society takes on responsibilities regarding human rights. Elsewhere he notes that "pluralism is accommodating human rights, but in doing so pluralism is not giving way to solidarity."²⁰ A shared culture and a common commitment to European society allow Europeans to have agreement on moral questions. But, this is not a common trait across the globe. The unique nature of countries is a factor likely to promote disagreement on moral issues. In the case of intervention, this can mean that there is not a shared moral framework in which to justify intervening to shape the internal policies of another state. Thus, an intervention that is easily justified in one state, or a handful of states, may be viewed as unjust meddling by another. And given the diversity in moralities across the globe, this is likely to be the case except in cases that are so blatantly unjust that these differing moralities find a consensus on the issue.

One example of feelings of injustice among a portion of the international community over intervention is the fear weak states might harbor over the actions of great powers. Intervention is not a major threat to great powers; even interventions in their external affairs bring the possibility of war. Attempts to dictate to a powerful state their internal affairs would, with little doubt, be met with heavy resistance. The only intervention likely to occur against great powers is deniable, covert meddling in their affairs, likely through proxies that can be disavowed. Weak powers however are the usual

²⁰ Robert Jackson, pp.111-2

recipients of intervention.²¹ Weak powers thus have a special interest in enshrining a principle of nonintervention. Nonintervention allows these communities to develop with less threat of external pressures corrupting their development. With nonintervention, each state is sovereign only within its own territories, and they are free to interact with each other as they wish. This allows each community to rise and fall as their capabilities and fortune dictate, less susceptible to having their falls forced upon them. With this in mind, intervention can seem suspicious to weaker states. Intervention may be justified in the name of upholding human rights and standards of just conduct, but it is still likely to be interpreted as unjust meddling by those concerned with maintaining their sovereignty against stronger states.

In conclusion, nonintervention is the best default position in international relations for considering what action to take in civil wars. Nonintervention serves to uphold sovereignty by disallowing states, in theory, from interfering in the domestic affairs of other states, allowing states to serve as an expression of the unique development of the people within their territory. Organizing international society in this manner allows the problems of human diversity to be addressed by having states maintain unique communities while having the capability of providing the goods of civil society. Since the state system serves this purpose, it must be assumed that states maintain a relationship with their society, a fitness, which makes them the legitimate authority in the territory, protected by the norm of nonintervention. Although it may be argued that civil war gives evidence that this fit is no longer present, it must be recognized that civil strife is a routine part of domestic life and can sometimes become violent. It is best if the

²¹ Martin Wright, *Power Politics*, p.192

society is allowed to work through this strife on their own and settle on the domestic political life that best suits them. Nonintervention also serves to protect international society. Better than intervention, a norm of nonintervention serves the purposes of international law by providing decorum for states to follow that allows them to feel secure and live in a stable society with other states. And, it also makes this system more stable by limiting recourse to war and avoiding the feelings of unjust violation when intervention occurs. But, it remains to be seen if there are situations in which the nonintervention should be suspended, if there are abnormal situations that make disregarding the norm necessary. Next, I will explore different cases to see if intervention may be a better alternative to nonintervention.

CHAPTER THREE

Humanitarian Intervention

Although I have argued that intervention is usually against the purposes of international society, might there be an exception to this rule when the intervention is to be undertaken for the purposes of preventing a humanitarian catastrophe? In this chapter, I argue that there is cause for an exception to the rule of nonintervention when intervention is undertaken to save a population from crimes so excessive that they necessitate the use of armed force in order to prevent losses that most rational persons would find unconscionable. To make this case, I look to the purposes of nonintervention and humanitarian intervention to determine that their ends can be compatible with each other. One is the demarcation of boundaries so that peoples may coexist in the finite territorial expanses afforded to humanity, and the other is the rescuing of a people that has come to be threatened in a way that disallows their participation in political life. To see how humanitarian intervention might fulfill its purposes, I examine two cases. The first is the mass exterminations that occurred during the Holocaust. In my examination of the Holocaust, I question whether humanitarian intervention serves to protect humanity that has come under threat, whether it can serve beneficently for the perpetrators of atrocities, and whether it can enhance the stability of international society. Next, I turn to the case of the Former Republic of Yugoslavia (FRY) to determine if humanitarian intervention can be justified for the same reasons when the combat is less one-sided and

all groups perpetrate atrocities. In a final section, I address possible critiques of humanitarian intervention. These are the tensions that might lie between intervention and the purposes of international society, sovereignty, and nonintervention and the possibility of militarily weak combatants exploiting the international community's willingness to intervene for humanitarian purposes.

The purpose of international society is to respect the diversity of humanity and establish customary rules under which this diversity can most ably exist. As I have argued in the previous chapter, international society, sovereignty, and nonintervention “find a settled and predictable way to live side by side on a finite planetary space without falling into mutual hostility, conflict, war, oppression, subjugation, slavery, etc.”¹ Nonintervention, sovereignty, and international society were established to circumvent the very real human losses that were the result of an order that failed to respect the unique identities of states and their peoples.² But although the principle actors in international society are states, they are serving the individuals that form these collectives; and the system was not established to serve the purposes of one collective over another but to allow these collectives to relate to each other with a minimum amount of human suffering. As such, nonintervention and the international order are serving humanity and trying to work around the pitfalls that might arise from diversity.

The purpose of humanitarian intervention is to rescue a people. “Humanitarian Intervention is justified when it is a response (with reasonable expectations of success) to

¹ Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000) p. 181.

² *Ibid*, p. 181.

acts ‘that shock the moral conscience of mankind.’”³ Humanitarian intervention is an exception to the norm of nonintervention, a norm that protects the principle of sovereignty by disallowing the forcible directing of one state’s domestic policy by another. This exception comes into play through the mass violation of what would be considered the basic conditions of human life. Appealing to the idea of self-help and considering a state to be more representative and stable after having worked out its own identity internally becomes farcical when whole swaths of humanity are being subjected to conditions where they are either only able to either merely survive or are unable to survive at all. In this case, it is no longer feasible to discuss the internal mechanics of disputes over state identity or policy. It is now a situation in which one segment of humanity has come to threaten the very existence of another. A respect for the diversity that arises in human existence no longer demands that we stand aside and let people pursue their own sort of life. If we were to appeal to Walzer’s legalist paradigm for examining state behavior⁴, we could say that in the conditions under which humanitarian intervention is justified are those in which the individual state has violated Mill’s harm principle⁵. Instead of their actions merely affecting themselves, they have designated an other that happens to live within their borders and have begun to violate their rights.

Humanitarian intervention and the principle of nonintervention can be compatible because each tries to remedy human loss. Although nonintervention is foundational to an arrangement that abstracts international affairs away from the individual, we can see that its purposes were to give individuals a tool to express their will and identity in their

³ Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), p.107.

⁴ *Ibid*, pp.58-63.

⁵ John Stuart Mill, *On Liberty and Other Writings* (Cambridge: Cambridge University Press, 2010), pp. 13-8.

territory. The state system built upon nonintervention seeks to limit the authority of each state to that which applies to it, and exceptions to this are only to be found in extreme circumstances. This is so that recourse to violence can be limited through customary acceptance of particular states, their particular viewpoints, and their particular ways of governing. Without this, the rights of individuals to live the life they desire may be obstructed by powerful actors forcing their particular models of life onto them. In the end, it is concern for these individuals and the suffering they may endure that brought about the state system. Humanitarian intervention shares these concerns for individuals, but it instead wishes to save them from their own government. These individuals are to be rescued from a situation in which their self-determination as a political community is impossible. Like nonintervention, humanitarian intervention is seeking to preserve humanity and allow it to exist in its natural diverseness.

In theory, humanitarian intervention can serve the purposes of international society, but how does it do so? To answer this, I will turn to case studies of two famous humanitarian catastrophes. Through an examination of the events that occurred during the Holocaust, I will argue that humanitarian intervention rescues peoples from an unjust fate, aids the perpetrators of atrocities by ending and preventing irrational behavior, and adds stability to international order by curtailing the more dangerous eccentricities of potentially dangerous states. In turning to the FRY, I will seek to apply the lessons learned about humanitarian intervention to determine if the criteria are applicable to the case or if the criteria need to be expanded or nuanced in some way.

The history of the Holocaust is in many ways the history of National Socialist *Judenpolitik*, or the policies adopted in regard to Germany and Europe's Jews. The

ideology of the National Socialist party was heavily influenced by race based assumptions and an attempt to build a superior culture based upon the Aryan race. When doing this, the methods were nearly always negative instead of positive. That is, instead of heralding the triumphs of the German, the National Socialists would have to distinguish themselves by looking to the debauchery of other races, Jews in particular. For example, when the National Socialist sought to build a gallery of art created by Germans, they were unable to distinguish this art based solely on its unique Germaneness, but instead distinguished it by building a gallery near the first that showcased the debauchery of Jewish influenced art.⁶ Thus, in attempting to build the German people, cleansing became the method often utilized. The idea was to free the Germans of the degeneration brought about by contact with the, mostly, Jewish influences. Race based assumptions led the National Socialists to adopt a stance in favor of eradicating Jewish influences on their people.

Policies that sought to cleanse the German people of Jewish influence inevitably turned to freeing them from the influence of the individuals that comprised the Jewish community. National Socialists increasingly deprived the Jewish community of their rights, set up policies of deportation, and subjected remaining Jews to tyrannical control from the party.⁷ Making *Judenpolitik* central to their governing, the National Socialists found themselves forced to address the human element of racial cleansing. The answer was to treat Jews as beneath the German and eligible to harsh treatment in the name of racial purity. As such, Jews found themselves unable to openly participate in commerce, unable to participate in politics, and unable to even walk the street without facing harsh

⁶ Peter Longerich, *Holocaust* (Oxford: Oxford University Press, 2010), pp. 81-3.

⁷ *Ibid*, p.423.

treatment designed uniquely for them. In their attempts to liberate the German people, National Socialists reduced Jews to a harmless, ill-treated minority within the state.

The treatment of Jews became worse when National Socialists began to look at *Judenpolitik* territorially. During their campaign in the east, the National Socialists encouraged and perpetrated mass executions of Jews. This was seen as a process of purification, making sure that the territory would be free of Jews so as to allow for a pure German land. The Pogroms were organized and aided by the *Einsatzgruppen*, the National Socialists' death squads in the east. The efforts would become more organized, and after the entry of Himmler's SS, the action turned more genocidal as the National Socialists killed all members of the Jewish communities in an attempt to cleanse the territory.⁸ Reports indicate that large numbers of Jews were killed, for example,

The massacres in the General Commissariat of Belarus reached a temporary apogee in the major operation on Minsk in which between 7 and 11 November, the Commando of the Minsk Security Police shot on its own reckoning 6,624 Jews from the Ghetto there. On 20 November and 10 and 11 December, the same group committed two further massacres in which 5,000 and 2,000 people were killed respectively.⁹

Here, we see an example of the human lives sacrificed for the racial purity of a German land. The results of these executions were the loss of entire communities in the eastern territories captured by the National Socialists.

By 1942, the National Socialists enlarged their extermination plans to encompass all of Europe's Jews. The Final Solution meant to eradicate the presence of Jews in Europe. The Final Solution was implemented through policy of forced labor to the point of death and deportation from Germany and Western Europe to concentration and death

⁸ *Ibid*, pp.193- 255.

⁹ *Ibid*, p. 238.

camps in the east. Now infamous camps such as Auschwitz, Treblinka, and Sobibor became the last places in which many of Europe's Jews would reside. For example, when Treblinka took on a role as a central camp in the extermination process, trains containing 6,000-7,000 prisoners could be delivered directly to the camp. At first, the murder was chaotic, with guards shooting prisoners directly outside of the railcars and answering the panicked reaction of new arrivals with further shootings. Due to the fact that they were ineffectively able to contain the chaos and collect the valuables of the prisoners led to the camp being closed and restructured. After reopening, the process of execution and collection of valuables was more efficient and 713,555 people were executed by the end of 1942.¹⁰ In the European-wide implementation of territorial cleansing, the National Socialists were responsible for forcibly changing the demography of vast areas of territory. An entire population of people was dead, communities no longer existed, and genocide had been perpetrated for the sake of a racial utopia.

If we ignore other breaches of international law perpetrated by the National Socialists and assume they had sovereignty in the territory they administered, would the crimes they committed against the Jews justify humanitarian intervention? Since the purpose of humanitarian intervention is to rescue a people, then yes, humanitarian intervention would be justified for the sake of saving Europe's Jews. To recall the purposes of sovereignty and nonintervention, they were meant to allow peoples to be self-determining and free from the strife that arises from determination of a particular group's life by a group that is different from them. Nonintervention allows these particular groups to work through their own issues, even if they work through them violently. But in the

¹⁰ *Ibid*, pp. 260-421.

case of the European Jews, they are not a party to deciding what is happening to them. They are not the losing side in a civil war that is forced to accept the outcome of military defeat; they are a group that has been selected for extermination without any chance of appealing to negotiation of some sort. They lack the political and the military means to appeal their case, and what is going to occur to them is truly shocking and is not compatible with the purposes of the international order. So, it is permissible for military action to be used on their behalf. Without external force, they have no real hope of preventing a disaster for themselves and the theft of a whole population from humanity.

Beyond the obvious service that would have been done for the Jewish community, the Holocaust gives evidence that humanitarian intervention, in the long term, benefits the community perpetrating atrocities and may be justified for this reason as well. If humanitarian intervention is a rescue, is it possible that the perpetrators might be rescued in a manner similar to the rescue of the victims? Obviously, the National Socialists would not have been rescued from extermination and having another's will violently forced upon them. Instead, they would have to be saved from their own actions and the consequences of them. If the policies enacted by the National Socialists in some way risked to gravely harm those enacting them, then it is possible to claim they need to be rescued. Humanitarian Intervention can take on a paternal aspect when the rescue is extended beyond the victims and to the perpetrators who are victims of their own irrationality.

The policy of the National Socialists towards the Jews was based upon race; their policy was one that set aside a group for cruel treatment because of their race.

From the perspective of the National Socialists, the idea of extermination was not a tactically motivated threat but the logical consequence of the notion that dominated the whole of National Socialist policy, that the German people were engaged in a struggle against ‘international Jewry’ in which their very existence was at stake. The National Socialists saw war as the chance to realize their utopian ideas of an empire ordered along racist lines.¹¹

Longerich’s interpretation is further supported by the words of Rudolf Hoess, the commandant of Auschwitz. When asked if it was justified to kill 2.5 million Jews in Auschwitz, Hoess replied, “Not justified-but Himmler told me that if the Jews were not exterminated at that time, then the German people would be exterminated for all time by the Jews.”¹² In the reasons Hoess gives for the extermination of Europe’s Jews, the racial ideology of the National Socialists is evident. When considering the policies that would shape their state, the National Socialists claimed the superiority of the German people through the vilification of a race of people. Consequently, the racial logic behind these policies led to a call for racial purification. Through racial ideology, the National Socialists decided to protect the supposed superiority of their race through the mistreatment and murder of inferior people.

These policies of the National Socialists display irrationality in the adoption of *Judenpolitik* and genocide. When adopting policies and the moral reasoning behind them, the consequences of adopting this morality should be considered. A consideration for adopting moral guides can be whether one could desire it be adopted universally. Consequently, this would likely lead to a rule like that Thomas Hobbes developed to examine Natural Law: “Do not that to another, which thou wouldest not have done to

¹¹ Longerich, p. 423.

¹² Rudolf Hoess quoted by Leon Goldstein, *The Nuremberg Interviews*, (New York: Vintage Books, 2004) p.296.

thymself.”¹³ If this is what is accepted as rational behavior, then what the National Socialists did could not be considered rational. The policies they enacted focused on depriving a people of dignified treatment based on the fact that they are of a different race. If such behavior were accepted universally, then any race that deemed themselves superior could act accordingly and purge perceived inferiors from their midst. It would be acceptable for Angles to claim territory and purge from it Germans if they found this according to their racial beliefs. It cannot be imagined that a rational person would wish upon themselves racial discrimination that led to extermination camps and mass shootings. So, it is fair to say that National Socialists enacted a policy that was irrational.

One must be careful to accept the limits of rationality and avoid using it as an excuse to attempt to implement their own ideas across international order. In this case, irrationality is narrowly construed as actions that would wholly or mostly undo the ordered framework of international society if they were to be adopted universally. Genocide would fit within this category as its universal adoption would fail to respect the individuality of different peoples, and it would likely lead to conflict based upon failure to respect the humanity of these people. If each group had an excuse to treat others as they wished based upon their supposed superiority, there would be no guarantees of reasonably peaceful international relations. This would undermine international societal order and introduce a disorder without trust or mutual respect.

Since they were acting irrationally, the German people could plausibly be rescued from themselves. In their policies, the National Socialists gave the German people conditions for a society with issues of racial hatred that could grow with time when their

¹³ Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 2010) p.109.

likely impossible ideal of German superiority is not realized. This state would be founded on an extreme and likely destabilizing ideology that would threaten disappointment and further violence. In addition, the policies would make the German people vulnerable to punishment, isolation, and possibly war with other members of international society. The fact that their actions have been in stark contrast with expected behavior makes the perpetrators of atrocities such as those committed by the National Socialists infamous to the other members of international society. Being the murderers of most members of a people group carries a stigma impossible to free yourself from, and it means that your relationships with others will likely be hostile. In this case, it is imaginable that if they were thinking rationally, the German people would wish to be saved from the consequences of their actions. Although it may be unpopular to say so, in the case of atrocity comparable to the Holocaust, acting paternally may be justified. Intervening for the sake of not only the Jews as victims of violence that are in need of protection but also for the sake of the Germans as victims of their own irrationality that are in need of instruction and reformative punishment constitutes a rescue that does not violate the purposes of international society.

In addition to saving Germans that are perpetrating atrocities from the possible consequences of their actions, intervention could also save future generations of Germans from inheriting the irrationality of their forefathers. The society that was being shaped by the National Socialists was one that was based upon their irrational racial policies. Racial policy was an essential element in the National Socialists' designs to extend their power in German society. Building their Aryan ideal, they furthered their goals by attempting to free Germany from influences, most especially Jewish influences, which they deemed

corrupt. Thus, National Socialists pushed their ideology into the German school system, the German scientific community, and they established German culture through contrasting it with inferior cultures.¹⁴ With this in mind, it is likely that National Socialist ideology would permeate German society if they were allowed to continue pursuing their vision for Germany. German children would inherit this culture; it would be taught in their schools, heard in their entertainment, and they would define themselves through its beliefs in inferior races. If the National Socialists were not stopped, their racial policies would become the norm for future generations. By intervening, the National Socialist narrative could be countered with a more rational education for young generations, one that would make them better able to live and act in a manner suitable for maintaining the goals of international society.

Beyond rescuing both the victims and perpetrators of atrocities, is there any further reason for engaging in humanitarian intervention? The Holocaust teaches that international society could benefit from humanitarian intervention by curtailing regimes with proclivities for aggressive, brutal policies. Given that the society that would result from the efforts of the National Socialists would carry on with racist ideology and would view the extreme measures taken as justified and compatible with the ends of their society, the regime they establish is doubtlessly inured to using extreme violence as a means to accomplish political goals. For the other countries composing established international society, the presence of such a state is destabilizing. In their systematic extermination of Jews, they have already displayed their disregard for the purposes of international society. So given their extreme moral positions and the methods they have

¹⁴ Longerich, pp.70-85.

already employed, it is not much of a stretch to imagine that they would not hold concepts like sovereignty and nonintervention in high regard. Humanitarian intervention serves international society by providing a means to identify regimes willing to disregard the norms of international order, as evidenced by their shocking treatment of a people, and then these regimes can be addressed before their aspirations lead to them aggressively upsetting the norms and balances of international society.¹⁵

From an examination of the Holocaust, it can be seen that humanitarian intervention can serve to rescue a people from atrocity and possible extermination, it can rescue the perpetrators from their own irrationality, and it can bring greater stability to international society. By addressing humanitarian crises, humanitarian intervention helps to rectify actions that violate the purposes of international society. Humanitarian intervention's most basic purpose is to prevent these atrocities from happening and allowing a people to not be subjected to ill treatment from a regime that does not represent their interests. Humanitarian intervention also serves to rescue the perpetrators of these atrocities. By acting in the manner that they have, the perpetrators of atrocities have demonstrated a lack of rationality and a need for rescue. Through intervention, the perpetrators can be saved from the full consequences of their action that may result from these actions, and they can also benefit from instruction from those that intervened. This instruction would also not only benefit those immediately affected by the intervention, but it will also keep future generations from inheriting the irrational behavior of their forefathers. For international society as a whole, humanitarian intervention provides greater stability by making bellicose regimes targets of coercive force. These regimes are

¹⁵ Liberia's Charles Taylor and his involvement in Sierra Leone serves as an example of this behavior.

more likely to participate in behavior further disruptive to international society, and coercing them while they are disregarding widely accepted behavioral norms in their domestic policy may prevent them from acting out on in their foreign policy.

It must be admitted however that the history of WWII does not include a humanitarian intervention. It was not for the sake of the oppressed Jews that the Allied powers acted against Hitler's Germany. But, this does not dismiss the observations that can be made about humanitarian intervention. Given the situation that occurred in German occupied territories and general disposition of the National Socialists, humanitarian intervention could have been justified in this case, and the benefits that could have arisen from humanitarian intervention could likely have been realized in this situation.

To see how these lessons are applicable in more cases, I will examine the FRY to determine if rules of humanitarian intervention can be applied in this case and if it will serve the same purposes as it would have during the Holocaust. Would intervention in the FRY rescue a people from atrocity and possibly extermination? Would the perpetrators benefit from intervention on humanitarian grounds? Would international society be more stable if humanitarian intervention occurred in the FRY? These questions are all to be considered when deciding if intervention was an appropriate course of action during the conflict. Beyond this, the case must be examined to see if there are any further lessons about humanitarian intervention that can be learned from the conflict.

Ethnic conflict in the FRY started after the fall of communism and the Tito regime. Deeply rooted divides between the ethnic communities had been controlled under

communist rule. Within the communist system, balances were carefully maintained between communities and containing contested territories inside of a larger state reduced conflict. But, the fall of communism left communities able to claim independence. Now, territories were once again disputed by multiple communities, and the ethnic groups were left without a central rule to prevent their conflict over these territories. The Serbs held a majority in most territory and had a significant community in what was and would again become Bosnia-Herzegovina as well as historical claims to the territory of Kosovo. Both Bosnia and Kosovo were inhabited by a majority Muslim population. In 1992, conflict started in Bosnia between Serbs, Muslims, and Croats. Each group hoped to carve out territory for their ethnicity, and this policy was adhered to even if it meant territory must first be cleansed of others. In Kosovo, conflict was instigated by the Kosovo Liberation Army (KLA), and Serb leaders exploited the situation to strengthen their control with a military campaign.¹⁶

Ethnic cleansing became the weapon of choice for those wishing to establish states that favored their ethnicity; although this policy is most associated with Serbian forces, it was not a weapon exclusive to their arsenal.

The alleged rationale for ethnic cleansing was that the land belongs to those who inhabit it, and in the minds of many ethnic cleansers, it was not enough to obtain numerical prevalence on that land. They sought to assure that in the future, the descendants of their enemies would not threaten the demographic domination of their own descendants.¹⁷

The most famous example from the conflict in Bosnia is the Srebrenica massacre in which Serb forces killed 8,000 Muslims and expelled 20,000 more from their city homes.

Although Serb forces were able to carry out these more infamous crimes due to their

¹⁶ Misha Glenny, *The Balkans* (New York: Penguin, 2012), pp.632-62.

¹⁷ Paul Mojzes, *Balkan Genocides* (Lanham: Rowan & Littfield, 2011), p.172.

superior military strength, Croats and Muslims were capable of lesser massacres. Croat forces cleansed the Lasva Valley of Muslims in 1993, the results leaving 2,000 persons dead or missing. The Muslim communities, although widely viewed as victims, also carried out small cleansings in villages and neighborhoods as well as maintaining concentration camps for non-Muslims.¹⁸

In Kosovo, Muslims desiring independence looked to Croatia and the newly independent Bosnia and organized into an insurgent movement in 1996. A year later, the KLA was able to strengthen itself by exploiting unrest in Albania and acquiring weapons. Now armed and more capable, they began to pose a greater threat to Serb interests. Predictably, Serb forces responded harshly, killing civilians and displacing them from their homes. Serbs also utilized cleansing again, intentionally killing and deporting to clear Muslims from their homes. In total, around 10,500 were killed and 850,000 forced from their homes. Along with the loss of life and homes, the conflict also caused a significant refugee crisis for neighboring countries.¹⁹

In the case of the FRY, humanitarian intervention justified as a rescue of a victimized community is much weaker than for the Holocaust. Humanitarian intervention for the sake of rescuing a victimized community requires a people that are not capable of participating in political life and are at risk of losing their lives or ability to live any sort of self-determined life. For the Jews, this was clearly the case as they were imprisoned and systematically killed by a dominant power that they could not hope to oppose with force. As such, they were unable to actively participate in political life and were

¹⁸ *Ibid*, pp.172-83.

¹⁹ *Ibid*, pp. 202-16.

threatened with not being able to survive. But, this is not the case in the FRY. Serbs, Croats, and Muslims were all armed and participating in military engagements. No side in the conflict was simply a passive victim, although some sides were less able to determine their future than others, due to military inferiority, but that is not enough to justify intervention. So, a justification of humanitarian intervention in aid of victims must rest in the nature of the atrocities committed and the effect on human populations. The loss of life and the possibility of the loss of a people if conflict continued uninhibited by the international community was a real threat. Although loss of life alone is an impractical measure of whether a civil war constitutes a humanitarian crisis, as simple statistics on the number of dead fail to reflect the nature of the war and whether behavior of belligerents is truly shocking, it can aid in determining whether there is a crisis. In this case, it would show the brutality of the tactics employed and the threat to less powerful communities if they lost the war. Given the Serb superiority and their goal of ethnically cleansed territory for Serb inhabitation, the results of nonintervention would be large-scale massacres and destroyed communities.

Although not the same as the Holocaust, humanitarian intervention in the FRY would likely work to the long term good of the perpetrators of atrocities. In fact, humanitarian intervention better serves this paternal, punitive function in the FRY than it serves to aid victims. It was hard to find any seemingly innocent victims in the conflicts in Bosnia and Kosovo; it was not hard to find those who were engaging in atrocious behavior. All ethnic groups were in some way involved in ethnic cleansing, and if their actions could be considered irrational and self-harming, they could all benefit from intervention. And, there is little doubt that rational persons would not wish ethnic

cleansing, as perpetrated in the FRY, to be a universally adopted practice. It opens way to great brutality in civil conflict if questions are decided by using force to make territory homogenous. Within the FRY, the practice was adopted in a more or less universal way, the effect being that all communities were vulnerable and lost noncombatants to the cleansing, as well as having their people lose land in which they had invested their livelihoods and sentiments. It is unlikely that Muslims would wish themselves locked away in concentration camps and forcibly relocated from their homes, and it is as equally unimaginable that Serbs would wish themselves cleansed from Bosnia through massacre and deportation if they were not the dominant military force. The FRY also demonstrates that these policies degrade conduct of war by making violence vengeful and passionate. For example, the massacre at Srebrenica was not merely an attempt by Serbs to cleanse a large amount of Muslims from the territory. The events that led to the massacre reached further back into the conflict with Serbs massacring Muslim villages and Muslim forces then returning the favor to Serb villages. While maintaining a siege of Srebrenica, Serb forces did not forget these atrocities. When political desires of consolidating territory and desire for revenge over Muslim raids that still continued were capable of being pursued together, the massacre occurred at the orders of Radko Mladic.²⁰ Undoubtedly, the policies of ethnic cleansing were irrational and those who would willingly utilize these tactics could benefit from correction.

Humanitarian intervention in the case of the FRY would also benefit international order by delegitimizing behaviors that could endanger the goals of the international system and by coercing states that might one day act to upset balance in the system.

²⁰ *Ibid*, pp.178-83

While not nearly as threatening as a Europe under the control of National Socialists policies, it can be imagined that whoever won the day in the FRY would be willing to use aggression to influence their neighbors and pursue their national interests. A willingness to commit ethnic cleansing shows willingness to ignore more conventionally accepted morality if it is beneficial; this willingness might lead to actions that more directly affect other states. It is expected that states will carry out policies that they have the capabilities to achieve, fit their interests, and are supported by their moral code. In this case, the morality of the combatants in the FRY is quite permissive about the use of force, and it is imaginable that their interests might be served by leveraging their neighbors in the future or using force outright. Through humanitarian intervention, the aggressiveness of the future regime might be curtailed or prevented if a coalition between the participants of the war is established. Intervention might prevent future destabilization in the region by placing some moral constraints on belligerents and socializing the state to international society.

Humanitarian intervention would also serve to dissuade future participants in civil wars from committing atrocities. Given that other states will likely experience civil wars in the future, humanitarian intervention in a case like the FRY can serve to delegitimize the tactics used. If there is a reason to expect that these tactics would bring punitive measures from the international community, then these tactics might not be used by regimes interested in avoiding these punitive actions. I am aware that this may also be an incentive for the less capable side in a civil war to commit atrocities, but I address this later. Given that the purposes of international society are undermined by allowing atrocities to occur, it is beneficial to proscribe these tactics and make it an ill bargain for

any state or group within a state to utilize them. Thus, humanitarian intervention may prevent greater loss of life in future civil wars. The FRY works as a good example of a case that could be used to proscribe atrocity since the conflict was in a weaker state, like those more likely to experience civil war, and it examples tactics that might be emulated elsewhere if they were allowed to happen unimpeded and were successful.

Humanitarian intervention in the FRY might also address an issue that was not present in the Holocaust. During the conflict, especially in Kosovo, large amounts of refugees were produced. According to the UN High Commission on Refugees, a total number of 848,100 refugees were produced, with 444,600 fleeing into Albania and 244,500 into Macedonia.²¹ This was problematic for other new states in the FRY. Macedonia was in a precarious situation due to its ethnic composition, its large Albanian minority, twenty-five per cent of the population, was being flooded with newcomers. This would of course upset the balance that ethnic communities had within the state. And, Albanians in Macedonia could now conceive of a greater Albania and seek either independence or annexation into Albania proper. Albania itself was faced with its own conflicts which an influx of refugees could only exacerbate. Montenegro was also affected due to polarized opinion on whether they should support Serbia. Slobodan Milosevic used these circumstances to his advantage and directed refugees into all of these countries. Macedonia was put in a position that severely destabilized their state, and the government of Montenegro's hold on power was negatively affected.²²

²¹ *Ibid*, p.211.

²² Glenny, pp.652-9.

In this case, a well-planned intervention may aid in preventing regional instability produced by refugee flows. These flows produce a humanitarian crisis that is not confined to the territory of the state involved in the civil war. The stability of an entire region can be jeopardized this way, with states falling or realigning and more civil wars breaking out as these communities realign. This stability is a main objective of the state system, and it is permissible to act in order to prevent a region from falling into chaos due to the actions of one state. In this case, it is especially true due to the fact that Milosevic intended for his actions to cause destabilization in the region. If a refugee crisis occurs due to the atrocities, or if it is an intended effect of an effort at ethnic cleansing, then an intervention may serve the purposes of stabilizing international order. A refugee crisis alone may not be just cause for a full-scale intervention however. Refugees may be caused in a civil war that does not involve massacre or atrocity; they may be noncombatants from communities that are engaged in civil war, no side needing rescue. In this case, a more limited action may be taken to prevent a crisis while falling short of military action.

In the FRY, humanitarian intervention can be justified for the same reasons as it could have been in the Holocaust, even if justification is not as strong in this case. Humanitarian intervention would serve to prevent massacre and loss of whole populations of people. Although there is no clear victim in the conflict, the tactics employed would still result in the loss of whole communities depending on which one enjoyed military superiority. Intervention would also serve to correct irrational behavior that all communities participated in, and all communities would benefit from correction or possibly suffer from their own tactics. International order would also benefit from

curtailing aggressive behavior in future states, thus socializing them to international society, and by preventing regional destabilization from refugee crises.

Until now, I have treated humanitarian intervention in the FRY as a hypothetical case. This was done purposefully so as to examine how it could have benefited those involved if it was carried out effectually. But, humanitarian intervention did occur in the FRY. Humanitarian intervention is hard to clearly examine historically. States have interests that they are inclined to pursue, and these usually mix with their humanitarian interventions to prevent a truly effective altruistic intervention. In the case of Kosovo in 1999, a reluctance to commit ground troops to the theatre and an absence of clear strategy made humanitarian intervention ineffectual. Prizing “credibility” over clear war aims, NATO’s bombing campaign made conditions such as the refugee crisis in Kosovo worse than they had been before the campaign.²³ I argue that a normal exception to nonintervention for humanitarian intervention is theoretically quite beneficial, but it seems that such an exception has yet to be clearly adopted in statecraft.

Humanitarian intervention serves the purposes of international society by rescuing both victims and perpetrators of atrocities and by bringing stability into international order, but there are two possible criticisms of intervening for humanitarian purposes. The first is that humanitarian intervention undermines the principles of international society because it does not allow states to self-determine. By acting to prevent the implementation of policies that communities have decided upon, humanitarian intervention fails to respect the community’s desires. Unique groups of people have their ideas and way of life determined by a state or collective of states from abroad. The

²³ Glenny, pp. 656-62.

second critique is the one alluded to earlier; weaker parties in a civil war can perpetrate atrocities or instigate them in order to bring intervention and gain a position in the resulting state that they would not have been able to win on their own.

Humanitarian intervention may limit the liberty of certain communities to live life as they see fit, but this is compatible with to the aims of international order. Certain aspects of morality can be particular to certain peoples-each is moral in his own mind-but this does not mean that an international system based upon respect for differences among people has to tolerate some harmful moral codes. Although designed to respect differences and allow the particularities of communities to be expressed, the international system enshrined after the Peace of Westphalia has moral purposes of its own. These moral purposes may be best articulated by the theory of common morality. Here, principles of conduct are not derived from custom and legislation but through reflection on the purposes of these laws and customs. Common morality seeks to identify what morality is meant to do; it seeks to overcome particularities in varying forms of morality and understand what its purpose is. Ultimately, common morality upholds something like the golden rule or a Kantian principle of respect that identifies the humanness of others and seeks to dignify it.²⁴ International society based upon international law, sovereignty, and nonintervention seeks to respect the humanity of diverse groups and respect their desires to live according to their own customs. But, the logic of this system is not violated if intervention is undertaken to address atrocities, rescue victims, and provide a paternal beneficence to the perpetrators. In this case, common morality and the basis of the system

²⁴ Terry Nardin, "The Moral Purposes of Humanitarian Intervention", pp. 12-9.

have been violated by the ideas and actions of participants in the system, so they may justifiably be coerced into adherence.

The problem of humanitarian intervention being abused by combatants in a civil war may best be resolved by examining atrocities to determine their extent and the extent to which the community supports these actions. In discussing Vitora's justification for war against American Indians due to cannibalism and human sacrifice, Terry Nardin says it must be because these crimes "are especially shocking and endemic."²⁵ When deciding whether humanitarian intervention is called for today, it might be wise to emphasize that the crimes are endemic. Isolated events can be used to invite intervention in the conflict, and if we simply look to intervene when certain numbers have been killed, this incentivizes combatants who would benefit from intervention to meet this number. Examining the conflict for endemic crimes that are widely accepted and normal for the perpetrators likely gives a better estimate of when humanitarian intervention would truly work as a rescue from conditions incompatible with the moral goals of international society. Also, the number might be irrelevant if a people is threatened. A small ethnic group might be threatened with extinction through massacre, and even if there number is small, the elimination of a people is incompatible with the purposes of international society.

In conclusion, humanitarian intervention serves as a permissible exception to the norm of nonintervention. The situations in which humanitarian intervention is reasonably employed are those in which the purposes of international society have already been compromised. Humanitarian intervention serves to uphold these purposes by disallowing

²⁵ Nardin, p.6.

normal privileges of sovereignty to those responsible for atrocities. In practice, humanitarian intervention functions to rescue victims from death or conditions under which they cannot live a full life, it rescues perpetrators from their own irrationality, and it strengthens international society by preventing future destabilization from aggressive regimes and by addressing humanitarian crises that may be destabilizing. Humanitarian intervention may be criticized as intolerant of the diversity international society is meant to respect, but humanitarian intervention has its own moral underpinnings, best described by the theory of common morality, that guide it. This respect for humanity and the humanness of individuals trumps respect for diversity when the uniqueness of a group threatens another group. Humanitarian intervention is better criticized for encouraging atrocities in hope of inviting intervention and ending civil war. This phenomenon may be mitigated if intervention is considered when atrocities seem to be endemic and supported by the community or when a people group is in desperate need of rescue and their survival as a group is at stake.

CHAPTER FOUR

Counter-Intervention

In international society, nonintervention is the norm. But what is the proper response to when that norm is violated. According to Walzer, counter-intervention is an exception to nonintervention that seeks to mitigate the effects of a previous intervention. By canceling the interference of an unjust intervention, counter-intervention seeks to allow a state's populace to self-determine its future. This logic is supported by J.S Mill's repudiation of states that rely on foreign support to maintain themselves. Counter-intervention is meant to ensure that the victor of civil war is not determined by foreign support, creating a state that fails to express the identities and desires of its citizenry. Beyond this, I propose that counter-intervention might have a punitive element that makes it likely to deter future acts of aggressive intervention. To test these assumptions, I examine US involvement in Vietnam and US support for the *Mujahideen* in Soviet occupied Afghanistan. Using these cases, I find that counter-interventions are unlikely to meet Walzer's criteria, which demand that support be given in proportion to a previous intervention so that a state has a chance at self-determination. In creating this criterion, Walzer was prioritizing the protection of the state's sovereignty as best as possible, and he was focused on the domestic aspects of the civil war. He fails to account however for the fact that states are always involved in international political trends and are at the mercy of other states seeking their own national interests. The outcome of counter-

intervention does not simply reflect the natural balances of power within the state and the desires of the populace; it reflects these along with the commitment of sponsors to involve themselves or their resources in the conflict. Still, while counter-intervention should not be evaluated in the narrow terms of self-determination, it should be viewed as an exception to nonintervention. By making intervention costly, counter-intervention can serve to prevent future interventions.

In a final section, I address to possible ill-effects of counter-intervention. The first is that it is simply unjust to allow a state to become victim to the competition of greater powers. This is true, but does not mean that the deterrent effect of counter-intervention should be dismissed. The second possible ill-effect is that foreign sponsorship of belligerents causes the desires of the citizens to become unimportant to combatants who have the resources to continue the conflict without popular support.

Counter-intervention fits within the logic of nonintervention by attempting to redress the injustices of a previous intervention. Normally, nonintervention dictates a state to remain uninvolved in the civil war of another, but as Walzer says, “As soon as one outside power violates the norms of neutrality and nonintervention, however, the way is open for other powers to do so.”¹ The purpose for doing so would be to match the unjust interventionist, to attempt to recreate the internal conditions most natural to the civil war afflicted state. In this way, the outcome of internal conflict would hopefully be an expression of the desires of the inhabitants. The state would derive its sovereignty from its representation of the community, not from the amount of support received from abroad. As such, counter-intervention is concerned with providing assistance in

¹ Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 2006), p.97.

proportion to what has been given to the other side. The purpose is not to give aid to a side so that it might win its war, but to aid it so that it is capable of conducting its campaign analogously to the campaign it would have waged against its unaided enemy. The key to the counter-intervention is restoring balances and maintaining the integrity of the conflict.²

The idea underlying the justification of counter-intervention is that a regime relying on foreign support to maintain itself cannot be representative of the people living within its territories. According to J.S. Mill,

A government which needs foreign support to enforce obedience from its own citizens, is one which ought not to exist... With respect to the question, whether one country is justified in helping the people of another in a struggle against their government for free institutions, the answer will be different according as the yoke which the people are attempting to throw off is that of a purely native government, or of foreigners: considering as one of foreigners, every country which maintains itself by foreign support.³

A state maintained by a foreign power cannot be self-determining; it will not represent the will and interests of its territorial inhabitants, which it is meant to serve. If we imagine sovereignty as derived from a state's relationship to its citizens, this state fails to maintain that relationship without winning the support of a foreign benefactor. If the norm of nonintervention is adhered to, such a state is unlikely to maintain itself against its internal dissidents. It is when the norm is not followed that a state becomes too arbitrary and is not bound to its people, and it is when this happens that counter-intervention is justified in order to restore natural balances of power and opinion and allow the people to express its will through internal conflict.

² *Ibid*, p.97.

³ John Stuart Mill, "A Few Words on Non-Intervention," pp.121-2.

For Walzer, and for Mill, the purpose of counter-intervention is to maintain the integrity of states' sovereignty against the interference of interested foreign powers. Thus, the emphasis is on acting proportionately to previous intervention so that the internal conflict is not decided by the sympathies of great powers and their commitment to shaping the conflict in a way that is in their interest. The natural source of a state's sovereignty is artificially meddled with if that is allowed to happen; an authority largely, or perhaps wholly, unaccountable to the people of the state is the deciding voice in the outcome of the conflict. For Walzer and Mill, this is not the maintenance of a sovereign state; it is the subjugation of sovereignty to the interests of foreign power. Although intervention of any sort entails upsetting natural balances within a state, here it is permissible so that the balances can be tweaked to best reflect the balances that were inherent to the state before outside interference reshaped them. If sovereignty relies on the integrity of the relationship between the state and its citizenry, then the outcomes of internal conflict should be based upon this relationship.

Another possible purpose of counter-intervention is that by denying the state that previously intervened the opportunity to restructure another state's internal dynamics to suit its interests, counter-intervention could make unjustified intervention an ill-bargain. If nonintervention is strictly observed, then the state that was willing to break the norm would not have to worry about resistance in its unjust efforts. Other punitive measures could be adopted, but they would apply directly to the interventionist and whatever measures had already been taken or that the state was willing to take after punitive measures were in effect would go unaddressed. These other options might include sanctions or coercive application of force. The first might be ineffective, and if it were

effective, it would still leave unresolved the effects on the state that suffered unjust intervention. The latter could entail greater risks for a state wishing to dissuade aggressive interventions. Interventionists are likely states of some means, at least of means greater than those on whose behalf they intervened, and this means they are more capable of answering coercion. If this state is a great power, it is unlikely that the good of preserving the norm of nonintervention would be deemed worth chancing the risks of coercive measure. Counter-intervention is a solution that allows punishment to be effective in that it makes the previous interventionists commit greater resources to the conflict. It is also effective in allowing states to address the problem in a somewhat indirect manner, which might save them from having to choose between addressing the issue or avoiding unnecessary risks.

In theory, counter-intervention serves international order by attempting to ensure the sovereignty of states in the midst of internal conflict and by making states less likely to intervene unjustly. It seeks to restore balances that were lost when a first, unjust intervention occurred, and it gives states a means to make unjust interventionism more costly while addressing the effects of these interventions and avoiding risks that outweigh reward. Counter-intervention fits the logic underlying sovereignty and nonintervention by attempting to rectify foreign breaches in the relationship between state and citizenry and by making it more costly for states to ignore the norm of nonintervention. In a way, counter-intervention serves as an extension of nonintervention; it is nonintervention's response to unchecked intervention. Through counter-intervention, nonintervention is respected as the norm of international society, and any departures from this norm are countered against so that sovereignty's intended inviolability is maintained.

Moving from theory to practice, how has counter-intervention served its purposes? By exploring US activities in Vietnam and Soviet occupied Afghanistan, I intend to find the successes and failures of counter-intervention in practice.

The story of US involvement in Vietnam can reasonably begin with the Geneva Conference in 1954. Here, France's exit from the conflict in Indochina resulted in an agreement on Vietnam's future. The agreement set a cease-fire between the French and the Vietminh, created a demarcation roughly along the 17th parallel that effectively divided Vietnam into North and South, prohibited the introduction of foreign troops, and expected an election to reunify the country. It did not acknowledge North and South Vietnam as states, and as noted, it expected reunification although it did not detail an electoral process on reunification.⁴ Vietnam was left to recoup from the war that had occurred there, and the Geneva Conference meant for the people to decide how they wished to proceed following these events. At the time, the Vietnamese were not consolidated into a new state or states, and they seem to have been in a period of transition.

The national interests of the United States were defined by containing the spread of Communism, and they did not want to see Vietnam adopt a communist regime. Hoping to keep the "domino" of South Vietnam from falling to communism, US policy focused on maintaining South Vietnam as a free state, independent of the North. Concern was placed on US national interests, and these interests were sought by providing support for South Vietnam to maintain itself. President Eisenhower stated, "We reach the

⁴ John Prados, *Vietnam: The History of an Unwinnable War, 1945-1975* (United States: Kansas University Press, 2009), pp.35-7.

inescapable conclusion that our national interest demands some help from us in sustaining in Viet-Nam the morale, the economic progress, and the military strength necessary to its continued existence in freedom.”⁵ For the sake of maintaining their policy of containment, the US committed itself to preventing South Vietnam’s government from collapsing or being subsumed by the North. Vietnam thus took on an importance in the minds of US policy makers that was tied to greater perceived threats, threats that were seen as vital to US security and interests in both the region and even globally if communism was allowed to spread.

But, South Vietnam was not secure and they faced internal rebellions that could potentially topple the regime.

About 80,000 Vietminh had gone to North Vietnam after Geneva. There were no precise figures, but it is estimated that between 5,000 and 10,000 former guerillas remained in the South...North Vietnamese accounts quote letters from southern cadres literally begging for orders to resume fighting. For a long time Hanoi rejected such appeals...Meanwhile, Diem’s army maintained a permanent offensive against suspected Vietminh, and the number of surviving cadres was reduced by two-thirds. At length, former guerillas began taking up arms despite the lack of instructions and even orders not to fight. The southern resistance stopped there and never stopped.⁶

The South Vietnamese government, headed by Ngo Dinh Diem, faced an internal threat from the remnants of communist guerillas still in the south. As such, Diem maneuvered to rid his country of the threat, and in the process, the insurgency became active against his government. The US reacted by helping to train South Vietnamese forces for

⁵ Herbert Y. Schandler, *America in Vietnam* (Maryland: Rowan and Littlefield Publishing Group, 2009), p.17.

⁶ Prados, pp.65-6.

addressing these dissidents and the possibility of a conventional attack from the North, and by introducing US special operations into the theatre.⁷

North Vietnam reacted to the insurgency by supporting it and an escalation in the conflict. Due to the failure of the US or South Vietnam to adhere to the proposed 1956 elections on unification, decided that the Americans had replaced the French as their enemy. In addition to this, they were having their hand forced by their southern brethren. They took measures to organize the southern rebellion under their authority, and in this way, they joined the fight in the south. In 1959, the North Vietnamese passed Resolution 15 which named violence as the tactic for change and established a systematic strategy to take the south.⁸ By taking these steps, North Vietnam was aiding an active resistance in South Vietnam that was in the process of being dismantled. The North Vietnamese were seeking to establish their political will in South Vietnam, and were intent on dismantling the political institutions in place.

Given the North Vietnamese support and ties to insurgents in the south, a main justification the US used for subsequent involvement was counter-intervention against North Vietnam. Viewing South Vietnam as a sovereign state that was entitled to the norm of nonintervention, US action in Vietnam was construed as a reaction to North Vietnamese subversive activities in the south. As a legal review from the period states,

United States activity is justified because the Vietminh are illegally attempting to subvert Vietnam and because Vietnam has appealed to the United States for help...International law unequivocally forbids states to organize revolutionary,

⁷ *Ibid*, pp.64-8.

⁸ Schandler, pp. 25-30.

hostile expeditions into other states. There can be no doubt that the Vietminh have violated this universally accepted rule.⁹

US activity in Vietnam was justified, partly at least, by the fact that North Vietnam was supporting insurgents within South Vietnam. The US viewed South Vietnam as a sovereign state that would be protected from such activities by the norms of international society. Any violation of these norms was a crime which could rightfully be addressed by the US as an ally of South Vietnam.

Considering this general background to the early stages of US involvement in Vietnam, could US actions have been justified as counter-intervention? For this to be the case, US actions would have addressed a previous intervention by a foreign power, and it would have needed to attempt maintenance of the natural balance in South Vietnam. For these criteria to have been met, South Vietnam would have needed to be a sovereign state suffering an unjust intervention, and US support for South Vietnam would have needed to be in proportion to the aid North Vietnam gave the insurgents.

It is unlikely that South Vietnam was a sovereign state suffering an unjust intervention. Firstly, no legal status of sovereignty was afforded to South Vietnam by the Geneva Conference. The conference was concluded with expectation of a vote on reunification, and the demarcation line was not meant to partition one territory into two.¹⁰ Secondly, South Vietnam does not seem to have earned any claim to sovereignty by representing the unique community of the South Vietnamese. South Vietnam was in no way free from internal dissent, and its insurgency does not seem to have been insignificant. Beyond this, South Vietnam relied on the United States for significant aid

⁹ Brian K. Landsberg, "The United States in Vietnam: A Case Study in the Law of Intervention," *California Law Review*, vol. 50, no.3 (Aug. 1962), p.520.

¹⁰ Prados, pp.35-6.

and support. In this light, the insurgents in South Vietnam seem to be closer to Mill's government that must rely on outside support and ought not to exist than it is to a capable, sovereign state. Taking this into account, it seems unlikely that the actions of the North Vietnamese occur against a sovereign state, and their actions come closer to resembling counter-intervention than those of the United States.

The activity of the United States was concerned with balance with North Vietnamese supported forces, but this was not for the sake of returning natural balances. In 1965, a plan was proposed for graduated pressure on North Vietnam. One of the hopes of this proposed program was that it might restore "equilibrium" to forces in South Vietnam by interfering with the North's ability to continue the war.¹¹ This equilibrium however does not reflect a desire to balance proportionally the aid given to each side; it reflects a desire to negate the North's influence so that South Vietnam might be able to consolidate its hold on territory and not fall to the North. National interests were guiding the strategy of aiding South Vietnam, and preventing South Vietnam's descent into communism was seen as the primary objective of US involvement.

That the United States was concerned with maintaining South Vietnam against the aggression of the North is evident from the way they take the war into their own hands. In June of 1965, General Westmoreland outlined his vision for the war:

Phase I. Commitment of U.S. (and other Free World) forces necessary to halt the losing trend by the end of 1965.

Phase II. U.S. and Allied forces mount offensive actions to seize the initiative to destroy guerrilla and organized enemy forces. This phase would be concluded when the enemy had been worn down, thrown on the defensive and driven back from the major populated areas.

¹¹ Schandler, p. 58.

Phase III. If the enemy persisted, a period of a year to a year and a half following Phase II would be required for the final destruction of enemy forces remaining in remote base areas.¹²

On July 20 of that year, Robert McNamara sent Westmoreland's requirements to President Johnson along with his recommendation that Phase I be implemented.¹³ The fact that the United States was willing to engage itself and stop the losing trend of the war illustrates that policy makers were not concerned with whether the forces in the area were balanced in a way that reflected the desires of the people; they were concerned with aiding South Vietnam win against the North and remain a non-communist regime. The United States did not intervene to ensure the integrity of South Vietnamese sovereignty; they intervened to attempt to ensure that a sovereign South Vietnam existed and that communism was contained in the North, and they were willing to commit themselves to a ground war in order to see this outcome.

Under Walzer's construction of counter-intervention, the Vietnam War fails to meet the criteria of justification. US intervention was not undertaken to maintain the sanctity of sovereignty, and it did not conduct itself in accordance with a respect for the sovereign's relationship with its citizens. From the beginning, the United States was maintaining a feeble, puppet regime that was not likely desirable to the people of South Vietnam. Containment was the American priority, and national interests caused the intervention to disregard careful considerations of the logic of sovereignty. Allowing the people of Vietnam to choose their own government was not the purpose of intervention, seeing that the people of South Vietnam maintained a regime that was favorable to US interests was the purpose. It did not matter if this had to be done by tweaking the internal

¹² General Westmoreland, quoted by Schandler, pp.96-7

¹³ Schandler, p.98

balances of power to favor this outcome, what mattered to the United States were the end result of an independent South Vietnam.

Although US intervention in Vietnam failed to meet Walzer's moral criteria for justification, did US intervention manage to make North Vietnamese intervention an ill-bargain? Since the outcome of the war was not an independent South Vietnam, the simplest answer would be no. But, US intervention undoubtedly made North Vietnamese goals much more costly to accomplish. Without US efforts, the North Vietnamese and the Vietminh insurgents would not have faced such numerous and capable forces as those that were eventually present. Neither would the South Vietnamese have been trained by a proven military, whatever effect this may have had on their performance. So, the North Vietnamese definitely faced greater challenges, had their will more mightily tested, and had to decide if continuing to pursue their goals was better than negotiating partition. And, if one were inclined to consider North Vietnamese activity as counter-intervention, they were successful in making continued pursuit of US goals an ill-bargain.

Another case that throws light on counter-intervention is the US response to Soviet intervention in Afghanistan. On 27 April 1978, a coup led by leftist military and civilian figures overthrew the current regime in Afghanistan. They organized themselves and began to shape Afghanistan into a Marxist state. After a slight rift in the new regime, matters were settled and reform was pressed upon Afghanistan. Major efforts such as land reform championed Marxist ideology without taking into account the nuanced blend of cultures and traditions in the country. In this case, the land reform sought to address rampant inequality but failed to account for the prevalence of patron-client relationships between peasants and local leaders. Thus, the new regime was ineffective in bringing

about outcomes the peasants found desirable. In addition to this, they changed their flag to more closely resemble that of the Soviets. In doing so, they removed the green banner, a tribute to Islam. The results of these changes were discord in the state and the growth of antipathies toward the regime.¹⁴

Due to the unpopularity of the Marxist regime, dissatisfaction turned into rebellion for many Afghans. Beginning under the Daoud regime, which was succeeded by the Marxists post-coup, students embracing an Islamists ideology left Afghanistan for Pakistan and organized into an opposition to Afghanistan's regime. The communist coup brought opportunity for these groups by causing general unrest and causing Afghans to look for alternatives. Using the authority of religion, the Islamists groups were able to gain grassroots support by framing the conflict as *jihad* against an atheist regime.¹⁵ The regime answered this resistance by employing harsh tactics. Prisons were filled, and executions were common. This did little to deter the rebellion, and 1979 was disastrous for the regime. There were uprisings that had to be put down with aircraft and tanks, the army became increasingly disaffected, and assassinations occurred in Kabul. Fearing the collapse of a communist regime, Soviets became increasingly concerned about stabilizing Afghanistan.¹⁶

By December of 1979, the Soviets had committed themselves to introduce their military into the Afghan conflict. Within a few weeks, there were 85,000 Soviets in Afghanistan, and the president had been killed. Soviets drew international criticism, but

¹⁴ Martin Ewans, *Afghanistan: a New History* (Surrey: Curzon Press, 2001), pp.137-42.

¹⁵ Abdul Rashid, "The Afghan Resistance: Its Background, Its Nature, and the Problem of Unity", *Afghanistan: The Great Game Revisited*, ed. Rosanne Klass (New York: Freedom House, 1990), pp.209-13.

¹⁶Ewans, pp.140-8.

were determined to maintain a communist Afghanistan. Against them however, the introduction of a foreign army garnered local support for Islamists resistance and allowed them to grow and refine their organization.¹⁷ Here, the Soviets unambiguously inject themselves into the internal affairs of another state. And given their killing the regime's president, they were not likely invited. It could be argued that this was not intervention but invasion, but given that they were not warring against the regime and were instead concerned with maintaining it against its internal threats, it seems that their purpose was to intervene in order to prevent Afghans denouncing communism. The Soviets violated the norm of nonintervention in hope that their military could supplement the regime and allow them to overcome a lack of support and capability within the state.

Besides condemning Soviet actions, the United States responded by funneling aid through Pakistan to the *Mujahideen* resistance. Through aid provided by the United States, the *Mujahideen* were able to establish training that included staff colleges, commissioning schools, and short courses. Leadership was able to attend courses at Pakistan's mid and upper level military academies. They also established training centers that focused on teaching specialties such as air defense, sabotage, radio operation, and mortar use. The instructors were Pakistani, American, Chinese, Iranian, French, Saudi, Egyptian, English, and Japanese. Additionally, the CIA and Pakistan's ISI aided the *Mujahideen* in directing operations. They focused on expanding the conflict and dragging it out over time. Largely, they provided funds for the procurement of arms and munitions.¹⁸ In response to Soviet aggression, the United States became interested in

¹⁷ *Ibid*, pp.148-55.

¹⁸ The Russian General Staff, *The Soviet Afghan War: How a Superpower Fought and Lost*, trans. Lester W. Grau and Michael C. Mataxis (Lawrence, Kansas: Kansas University Press, 2002), pp.59-62.

assisting Afghans in their campaign against the Soviets and their puppet regime. US aid undoubtedly allowed the *Mujahideen* to capitalize on their appeal and combine military capabilities to their popularity in order to stand against the Soviets and eventually see them withdraw from the country; for US activities in the Afghan-Soviet conflict to have been a counter-intervention, they would have to have been in aid of belligerents in a civil war that were suffering an unnatural disadvantage due to a previous, unjust intervention favoring their opponents. In this case, the US was responding directly to the Soviet's aggressive and unwarranted intervention into Afghanistan. The Soviets had upset the possibility of Afghan self-determination when they had decided that they would take whatever means needed to prevent the collapse of Afghanistan's communist government. Especially when the Soviets introduced their military into the conflict, they sought to determine the future for the Afghanistan instead of allowing the Afghan people to decide for themselves. Because of this, US support for the *Mujahideen* constituted the entry of a second great power into the conflict. Support from the US helped make it less likely that the Soviet Union would dictate the fate of Afghanistan.

Even if the Soviets were aiding an ally, nonintervention should have prevented any interference, for the *Mujahideen* had likely earned belligerent rights. As Walzer says,

The lawyers commonly apply a qualified version of the self-help test. They permit assistance to the established government...so long as it faces nothing more than internal dissension, rebellion, and insurgency. But as soon as insurgents establish control over some portion of the territory and population of the state, they require belligerent rights and an equality of status with the government. Then the lawyers enjoin a strict neutrality.¹⁹

¹⁹ Walzer, p. 96.

Given the deterioration of the regime's hold on power in 1979, it is unlikely that the communists could unquestionably be accepted as the sovereign authority of Afghanistan. Rebellion was not isolated, it was rampant. Insurgents were not simply a nuisance to the regime, they were an alternative to the regime. During the conflict their numbers fluctuated between 40,000 and 60,000, and they maintained contact with the populace through "Islamic committees" as well as basing their operatives in villages with their gear hidden nearby.²⁰ Additional evidence that the regime did not meet the desires of the Afghan people is seen by the heavy-handed tactics the regime used to control the populace including large numbers of people imprisoned and many executions.²¹ This would suggest that the relationship between the regime and its citizenry had deteriorated to the point that violence was needed to maintain control. Considering this evidence, it would seem that a sufficient amount of evidence indicated that the communist regime was faced with a challenge to its sovereignty, and the norm of nonintervention would suggest that the people of Afghanistan should have been left to decide the fate of their state. Soviet interference ignored these conditions and sought to dissolve these threats with force.

Another element in deciding if US activities could be justified as counter-intervention is whether these activities sought to balance against the Soviets and allow the Afghans to conclude the conflict in their way. Looking strictly at the amount of support offered each side, the United States did not match what the Soviets dedicated to their communist regime; they did not need to. Through their actions, they did allow a sort of Afghan decision on what the future would be. Without external aid and guidance, the

²⁰ Russian General Staff, pp.51-60

²¹ Ewans , pp.141-3

Mujahideen would have been at a disadvantage to the well-equipped, modern Soviet military. With US support, the *Mujahideen* were able to wage an insurgent campaign that was beyond what the Soviets expected or were prepared to confront. Given that support for the *Mujahideen* grew significantly after the Soviets entered Afghanistan,²² it is likely that to the Afghans, the *Mujahideen* were preferable to the Soviet backed communists. So, US activity had the benefit of allowing an outcome that more closely reflected the desires of the Afghan people than would have been realized if the Soviets had not been countered.

But although this was the result, it was not likely the intention of the United States to focus on allowing an Afghan decision on Afghan issues. It seems that the principle objective of the United States was to prevent the Soviets from gaining influence over Afghanistan. National Security Directive No. 166, signed by President Reagan, defines US goals and strategy for addressing the Afghan-Soviet conflict. The primary goal is the removal of Soviet forces from Afghanistan and the reestablishment of an independent state. Other goals sought are: demonstrate to the Soviets that their policies in Afghanistan are ineffective, deny the Soviets a base in Afghanistan which could threaten interests in the Middle East, promote the isolation of the Soviets in the third world and in the Muslim world, prevent the defeat of an indigenous force resisting the Soviets, and show firmness in deterring Soviet aggression in the third world. Two of the strategic means for realizing these goals were maintaining the ability of the *Mujahideen* to “keep the trends in the war unfavorable to the Soviet Union”, and establishing social-services

²² *Ibid*, pp. 151-4.

run by the *Mujahideen* to win favor with the populace.²³ The goals of US strategy were directed primarily at the Soviet Union, not at allowing Afghanistan to be able to determine its fate irrespective of foreign desires. They were concerned with displacing the Soviets, protecting US interests in the area from Soviet influence, and in making it clear that the United States was not willing to let the Soviets have their way in the third world without American response. The *Mujahideen* were a tool with which to accomplish this, and support for them would likely have continued as long as it fit US national interests and was not too costly, no matter if the natural balance of forces was ignored or supported.

The final question concerning US support for the *Mujahideen* was whether it had a punitive effect on the Soviet Union. Given that the Soviets fought a nine year war, failed to attain their objectives, and ignominiously withdrew from Afghanistan at the conclusion of their involvement; the answer must be that it did. Although this cannot all be attributed to US support, the Soviets themselves deserve much credit for their mismanagement of the war, it was a contributing factor to a humiliating Soviet defeat. Soviet aggression was met and effectively resisted by US supported rebels. In the conflict, 13,833 Soviets were killed, 49,985 were wounded, and 311 were listed as missing in action.²⁴ The blood and treasure the Soviet Union was forced to expend was a costly punishment for its aggressive intervention.

What lessons can be drawn from these cases studies of counter-intervention?

There are two lessons which I find most important: Walzer's idea of giving proportional

²³ *National Security Directive No. 166*, (Washington D.C, 1985).

²⁴ Russian General Staff, p.309

aid and seeking natural balances is impracticable and should be dismissed, and although Walzer distances counter-intervention from punishment, it may be through its punitive effect that counter-intervention can best benefit international order.

From the cases, it can be argued that states do not follow the criteria for proportionally supporting belligerents in a civil war. In Vietnam and in Afghanistan, the policy of the United States was aimed more toward the threat they perceived from the effect of intervention on the balance of power. In Vietnam, US policy was to contain communism and keep the “domino” of South Vietnam from falling and threatening the rest of Southeast Asia.²⁵ In Afghanistan, it was preventing the Soviets from establishing a base in the country as well as causing the Soviets to suffer during their intervention.²⁶ Because they did not involve themselves in the conflict for the purpose of canceling the effects of another intervention, they did not concern themselves with maintaining proportional support. In their calculations of proportions, they did not want the proportions to reflect a natural state, unaffected by intervention; they wanted the proportions to support an outcome favorable to their national interests.

By concerning himself with natural balances, Walzer emphasized the domestic aspect of sovereignty. As he says, “Counter-intervention in civil wars does not aim at punishing or even, necessarily, at restraining the intervening states. It aims instead at holding the circle, preserving the balance, restoring some degree of integrity to the local struggle.”²⁷ For him, the local struggle is the matter to be concerned about. He wants counter-intervention to focus on the desires of the people expressed through conflict.

²⁵ Schandler, p.17

²⁶ *National Security Directorate No. 166*

²⁷ Walzer, p.97

Counter-intervention is meant to address what is occurring within the state because that is what is at stake. If an unjust intervention is left unchecked, the sanctity of sovereignty is lost.

But in his analysis, Walzer neglects the role larger trends in international politics play in the outcome of the conflict. More so than humanitarian intervention, counter-intervention is a product of international relations. The state that has found itself in the midst of a civil war with foreign support given to two or more belligerents has found itself a theatre in which states are acting upon their interest to change some aspect of international society, or their interest to prevent that change. Interventions in Afghanistan and Vietnam were part of an ongoing rivalry between the United States and the Soviet Union, and both great powers were certainly calculating the international balance of power more than they were looking to maintain a proportional balance and a state's opportunity to be self-determined. When states are concerned with matters such as their relative gains and losses versus that of the other interventionists, it is unreasonable to expect them to calculate what the inherent proportions of capabilities should be within the civil war.

In a counter-intervention, there is a danger that the outcome of the civil war will reflect not only the desires of the internal population but also the will and commitment of the competing interventionists. In the duration of the civil war, the belligerents will be able to use support given to escalate and to match the escalation of their opponent. But, the interventionists are able to do the same. Thus, the war reflects the willingness of both belligerents and interventionists to continue escalating until the conflict's conclusion. The outcome of the civil war has become dependent on the will of foreign powers and their

commitment to the belligerents. For the interventionist, the ideal situation is one in which their chosen side has a high degree of support, is organized and somewhat capable, and is in need of something like arms and funds. This allows interventionists to pursue their goals at relatively low costs while seeking possibly great reward. US involvement in Afghanistan resembles this scenario, with little risk, that was foreseeable, and success in pursuing national interests. But, if a counter-intervention asks too much of the interventionists, they may distance themselves from the conflict and leave the natives without support. South Vietnam was eventually abandoned to its fate when the costs became too high for US involvement to continue.²⁸

Although counter-intervention may not tend to fulfill its role of restoring integrity to a civil war, it should not be dismissed as an exception to nonintervention. Examination of the cases, especially Afghanistan, reveals that counter-interventionists aim to make the intervention costly for the previous interventionists. Even if they did not seek to do so, this would be the effect of their counter-intervention anyways. If both sides are now receiving support, then the intentions of the first intervention to shift the balance is now more costly. Greater support must be given to turn the tide, and if this is matched or exceeded, then even greater support must be given. If a state can reasonably expect another state to counter their intervention, then intervention has become a less attractive

²⁸ Before I move on from the discussion of the impracticality of natural balance, I will admit to a possible flaw in my analysis. Both Afghanistan and Vietnam seem to occur without the desires of interventionists outweighing the natural balances. Of course, this would be another reason for counter-interventions to not attempt proportionality, but it could also be the result of selection bias. There are many similarities between Afghanistan and Vietnam, and perhaps the most significant is that they occur during the cold war. With only two powers balancing against one another in international order, it is possible that their interventions tended to balance against each other as well. If the structure of international order had been multi-polar, it is possible that this would not have been the case.

option in that state's strategy. In this way, counter-intervention discourages aggressive interventions.

As a preventive/punitive measure, counter-intervention is likely more successful than sanctions and less dangerous than other, more aggressive forms of coercion. If a country were to unjustly intervene in the affairs of another, sanctions could be used. Effective sanctions are not easily created though. They rely on agreement among many states, but some states may not benefit from enforcing sanctions. And, even if they are effective in having an effect, it is no guarantee that the effect will curtail the military strategy of the state. Recently, Russia has faced sanctions, but it does not seem to have halted Putin's policies toward his neighbors.²⁹ More direct coercion on the other hand could have the desired effect, but at what risks? It would have been rather imprudent for the United States to match Soviet intervention in Afghanistan by deploying their military against the Soviet forces there. No state would likely risk war with another capable power over national interests that were not regarded as vitally important. Counter-intervention allows states to offer a credible threat that might be effective in deterring intervention while at the same time allowing the punishment to be indirect enough to avoid a graver conflict.

One possible problem with counter-intervention is that it is simply unjust to allow a state to have its sovereignty disregarded so that greater powers might pursue their national interests. It is true that counter-intervention unjustly burdens the state that is intervened in; it is not fair that two self-determining states hinder its attempts at self-

²⁹ "Too Smart by Half", *The Economist*, <http://www.economist.com/news/briefing/21615603-effective-sanctions-have-always-been-hard-craft-too-smart-half>

determination while supporting a war that ravishes its state. But it seems that once an intervention has occurred, the state is thrust inescapably into international politics; and in the case of counter-intervention, they are unavoidably caught in the middle of a contest between two greater powers. But, if counter-intervention can deter future interventions, then it serves the purpose of sovereignty and nonintervention even while it violates it. Although sovereignty is an ideal and a norm of the utmost importance to international society, it is an unfortunate fact that sovereignty more respectable when it is the sovereignty of a powerful state.

Another risk of counter-intervention is that foreign support will allow belligerents to ignore the desires of the citizenry and continue the conflict for their own benefit. During the Cold War, impoverished third world countries were able to lengthen their civil wars through aid given by the superpowers. These states lacked the material resources to carry out lengthy civil wars, so they were dependent on foreign support to continue the conflict.³⁰ Although this could explain the duration of civil wars with foreign support, it also provides a backdrop against which belligerents can continue a war without any consideration of the citizenry of the state. Foreign support has replaced the need to cultivate support from the populace, and belligerents can conceivably operate without civilian support if their capabilities are high enough. If the interventionists are irresponsible, this might allow belligerents to continue conflict out of greed while the populace is war-weary and ready for the conclusion of conflict. This is not a problem easily resolved, and although it is not a risk sufficient enough to dismiss counter-intervention, it is one that states should be careful to guard against.

³⁰ Ann Hironaka, *Neverending Wars: The International Community, Weak States, and the Perpetuation of Civil War*, (Cambridge: Harvard University Press, 2008), p.124

In conclusion, counter-intervention is meant to serve international society by attempting to allow for self-determination, even after a state has suffered unjust intervention. In addition to this, it may serve by deterring future interventions by making them costly to interventionists. In examining the US involvement in Vietnam and their support for the *Mujahideen* in Soviet occupied Afghanistan, I determine that states are unlikely to concern themselves with maintaining natural balances in the name of self-determination, but their efforts will make intervention more costly and possibly deter future unjust interventions. When engaging in counter-intervention, states are not doing so with a primary motivation of aiding a beleaguered people. They are pursuing their own national interests and these interests are undoubtedly defined with the previous interventionist in mind. So, counter-intervention makes both intervening states party to the outcome of the conflict. The self-determination of the state is buried under the greater forces of international relations that counter-intervention is part of. But counter-intervention does serve international society by making interventions costlier and less appealing to aggressive states.

CHAPTER FIVE

Conclusion

In the twenty-fifth book of *The Prince*, Machiavelli uses the simile of a flood to describe fortune and the role of *virtu* in overcoming it.

I liken her to one of these violent rivers which, when they become enraged, flood the plains, ruin the trees and the buildings, lift earth from this part, drop in another; each person flees before them, everyone yields to their impetus without being able to hinder them in any regard. And although they are like this, it is not as if men, when times are quiet, could not provide for them with dikes and dams so that when they rise later, either they go by canal or their impetus is neither so wanton nor so damaging.¹

In many ways, this same simile can be applied to international relations. Instead of fortune, the river can be likened to nature. The nature of states in a world full of other states, can lead to conflict and to misunderstanding. Without guarantees of security, which are absent in international relations, states have a natural inclination to concern themselves with gaining relative advantages over their peers. For some, this is the way of viewing international order: states are locked into this logic of security and power. Thus, states' capabilities will be the deciding factor in how they pursue their goals, and their natural competition has the same volatility as a violent river. But, international society offers a way in which prudence can be used to contain these natural inclinations.

International society allows the implementation of norms that respect the nature of states

¹ Niccolò Machiavelli, *The Prince*, trans. Harvey C. Mansfield, (Chicago: University of Chicago Press, 1998), p.98

and mitigate the issues that arise from their shared existence. The norms of international society can act as the infrastructure to prevent disaster. They can provide outlets for frustration, or they can establish barriers through which aggression and disaster can be averted.

Chief among the norms of international society is sovereignty. Through sovereignty, the unique character of each state and the character of its citizens as unique from the citizens of other states is respected and observed. Humanity exists in diversity; people are divided by numerous categories that cause them to develop a unique view on the human condition and seek to live according to their view. The norm of sovereignty respects this, especially by leaving to each state the administration of its domestic affairs.² Sovereignty is the recognition of diversity and individuality-and the fact that people wish to live in a manner guided by their identity. Social settings and history shape different communities in different ways; and when they form states, these states should be characterized by the identity of the people who inhabit them. Sovereignty seeks to maintain this by making domestic affairs independent of foreign powers.

Nonintervention ensures sovereignty by making it unjust to meddle in the affairs of another state. It establishes a boundary. States are not meant to inject themselves into the affairs of another state, even if these affairs are unfolding in a violent fashion. Nonintervention provides states with normative protection against the whims of more the more powerful. The people of a state are able to determine their institutions, domestic policies, and their identities if nonintervention is maintained as a norm of international society. This, in turn, allows each state to reflect the uniqueness of its people.

² Robert Jackson, *The Global Covenant*, (Oxford: Oxford University Press, 2000), pp.400-16

But as with the infrastructure meant to prevent flood damage, the infrastructure of international society may fail and require additional measures to accomplish its task. In this case, nonintervention is not always sufficient to meet the purposes of international society; exceptions have to be made. The unmitigated pursuit of personality may cause some states to ignore their duties to international society, or even to humanity itself. Or, nature and states' behavior may dictate that nonintervention is not strictly observed.

The first reasonable exception I find to nonintervention is humanitarian intervention. In the case of humanitarian intervention, the actions of a state have become egregious in a way that makes the adherence to the norms of international law farcical. If the purposes of international society include respect for the diversity inherent to the human condition, then the conditions under which humanitarian intervention might be justified are the conditions that have already disregarded this principle underlying nonintervention. Humanitarian interventions would occur to stop the actions of a state, or actions occurring within a failed state, that threaten the very survival of swaths of humanity. If this is the case, the purpose of allowing for human diversity would not be served by allowing their existence to be threatened in the name of adhering to nonintervention.

Beyond this, humanitarian intervention can serve to rectify the criminality of the perpetrators of humanitarian atrocities. By making them accountable for their actions and punishing them, humanitarian intervention could ultimately benefit them through educating them on proper human conduct. Future generations that arise from that state can be freed from the erroneous beliefs of their forefathers, and they could become more invested in international society. This is a benefit to international society as well because

it socializes aggressive regimes to the norms of international society. They will be more likely to respect other norms after they have suffered the benevolent harshness of intervention, and they could be freed of the figures that would lead them toward paths of isolation from international society.

The other exception I examine is counter-intervention. Here, the purpose of intervention is to offset a previous intervention that unjustly occurred. While I dismiss the effect counter-intervention can have on self-determination by restoring natural-balances and ensuring the integrity of a civil-war, I find it a useful addition to the infrastructure of international society because it makes unwarranted intervention more costly and therefore unappealing. Instead of focusing on the domestic aspects of a civil war, counter-intervention is more concerned with the international aspects of intervention. For sovereignty to be protected in the specific civil war, the focus would necessarily be on allowing self-determination. But even if this is not the focus, sovereignty and nonintervention as norms can be protected if counter-intervention is a deterrent against their violation. Although counter-interventionists are quite likely motivated by states' own interests and not those of the war-torn state, they can offer a credible threat to interventionists. Walzer's construction looks to be a virtuous state seeking to offset the ill deeds of a vicious one, but in practice, counter-intervention pits vice against vice. And this likely makes it a more credible threat, and more useful in deterring intervention, because the idea of an altruistic intervention is not as likely or as threatening as the knowledge that a rival will use your misdeed to cause your suffering.

Before I close, I would like to briefly consider a final question: What responsibilities does a state have after they have intervened? After they have violated the

sovereignty of another state, if even it was justified, it seems that their actions might thrust upon them a responsibility for the fledgling state. If these states are left to their own devices, they will not likely be functional states for long. For example, Afghanistan after they were abandoned by the Soviets and then by the Americans fell into chaos and another civil war that eventually brought about a weak, theocratic regime.³ A notable study by James and David Laitin also indicate that state weakness is a significant factor in the presence of intrastate conflict.⁴ With this in mind, it would be irresponsible for an interventionists to leave behind a failing state and allow it to descend into chaos upon their withdrawal from the affair. Not only would the state suffer, but international society would suffer by having a failed state that could offer future threats and problems.

States should commit themselves to states in which they have intervened.

Intervention is not a simple solution, and the simpler it is for interventionist, the more likely it is to create issues. States that cannot function as states produce and provide sanctuary to those who are opponents to international society, they can drain resources from other states or international organizations by their need of benefactors, and they do not serve to provide the benefits of living in a state to their inhabitants. Keeping this in mind, it seems that intervention is to serve its purpose without causing more threats to international society in the future; states should enter an arrangement to support the states they have intervened in. They must be careful to avoid being overly paternal however. They take on a twin duty to care for the fledgling state but also to allow its self-

³ Martin Ewans, *Afghanistan: a New History*, (Surrey: Curzon Press, 2001), pp.171-90

⁴ James Fearon and David Laitin, "Ethnicity, Insurgency, and Civil War" *American Political Science Review* 97 (2003)

determinance. If they are to support a functioning state, it must be one properly socialized but still of its own identity.⁵

In conclusion, international society allows humanity to build artificial norms that guide international behavior and help to prevent disasters. Sovereignty is chief among these norms as it respects the diversity of humanity and the uniqueness of different ways of life. Nonintervention serves the purposes of sovereignty by making it unjust for states to interfere in the internal affairs of other sovereign states. But, nonintervention is not sufficient in serving the purposes of sovereignty. In the case of humanitarian intervention, actions have been committed so egregious that a state necessarily has its sovereignty temporarily revoked in order to address the issues. In counter-intervention, interventions unjustly committed allow other states to meet these actions with intervention of their own. This serves to deter states from unjust intervention. Finally, I argue that states have a responsibility to sponsor states in which they have intervened until that state is functional and self-determined.

⁵ For a discussion of trusteeship and international society, see William Bain, *Between Anarchy and Society*, (Oxford: Oxford University Press, 2003)

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