

## CURRENT THEOLOGY

### NOTES ON MORAL THEOLOGY 1993

#### THE MORALITY OF HUMANITARIAN INTERVENTION

This note will include an introductory comment on the need for new thinking in foreign policy, a clarification of why the specific issue of humanitarian intervention forces us to reconsider fundamental themes of international relations, an examination of the legal and moral debates surrounding humanitarian intervention, an overview of guidelines which might inform our judgment about supporting humanitarian intervention, and a concluding reflection about the moral and political challenge before us.

#### *A New World Order (Disorder)?*

Today we find ourselves in a new global situation, but how best to describe that situation and determine the suitable response are matters under review. Part of our unease regarding foreign policy is that many of the old signposts and historical lessons which guided our thinking seem to have disappeared along with the Kremlin's Politburo.

Yale historian Gaddis Smith suggests that in foreign policy we have had a "half-century of certainty-through-analogy."<sup>1</sup> Starting with Truman and continuing to Reagan, every president "invoked a rolling sequence of historical analogies. The United States must never again dismantle its armed forces as it did after 1918, never again be a party to appeasement; Americans must strive to carry out the vision of Wilson and Franklin D. Roosevelt."<sup>2</sup> The Berlin airlift, the Korean war, the Cuban missile crisis, the Vietnam conflict all were part of the "towering scaffold of analogy"<sup>3</sup> from which American presidents viewed the world. For Smith, Nazi Germany, then imperial Japan, and finally Soviet Communism offered American leaders an "overriding purpose: to prevail against a perceived threat to the very survival of the United States. . . . Difficulty lay only in settling on the most effective means," but it was no trouble to define a purpose or to muster the will to act.<sup>4</sup> Smith maintains that the end of the bipolar world has left the U.S. unsure of how to think about international affairs.

As a result of the fundamental changes in the world and the search

<sup>1</sup> Gaddis Smith, "What Role for America?" *Current History* 92 (1993) 150-54, at 151.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* 150.

for new frameworks to rethink affairs, what one finds throughout the literature are attempts at developing new paradigms for understanding events and guiding policy makers. In many cases the proposed paradigms suggest some modification of the *Realpolitik* that marked U.S. foreign policy since World War II. The decline of superpower competition has led to the belief that realism ought to be tempered with an idealism which grants broader influence to human rights, collective security arrangements, development assistance, and environmental protection in the formulation of policy goals. At the same time commentators recommend caution concerning the speed with which, and the degree to which, realist assumptions are revised.<sup>5</sup>

### An Old Issue, A New Context

Foreign interventions are hardly a new item on the agenda of international relations. But even old problems require reexamination when the global context shifts dramatically. Properly speaking, intervention is a species of interference. In the modern world no state can expect to be free of interference even in domestic affairs. The interconnectedness of economic life seen in practices of trade, capital investment, and monetary policy, along with institutions like transnational corporations, all make the isolation of a domestic economy from other national economies unlikely. In a similar fashion there are bonds between peoples that cross national boundaries. Human beings have multiple loyalties, e.g. religious, ethnic, class, ideological ties, that prevent states from enveloping citizens in a territorial cocoon. Problems of the environment, refugees, or drug trafficking require that nations act in concert. All these factors point out the futility of any state's ambition to avoid outside interference in its domestic affairs.

<sup>5</sup> A sampling of studies that will convey the nature of the debate: James Barber, "The Search for International Order and Justice," *The World Today* 49 (1993) 153-57; Zbigniew Brzezinski, "Power and Morality," *World Monitor* (March 1993) 22-28; Alberto Coll, "Power, Principles, and Prospects for a Cooperative International Order," *Washington Quarterly* 16 (1993) 5-14; J. Bryan Hehir, "Christians and New World Disorders," in R. Neuhaus and G. Weigel, eds., *Being Christian Today* (Washington: Ethics and Public Policy Center, 1992) 223-45; Robert Kaufman, "Morality and World Affairs: Avoiding Utopianism," *Current* no. 345 (September, 1992) 30-35; Charles W. Kegley, Jr., "The Neoidealist Moment in International Studies? Realist Myths and the New International Realities," *International Studies Quarterly* 37 (1993) 131-46; Ronald K. McMullen and Augustus Richard Norton, "Somalia and Other Adventures for the 1990s," *Current History* 92 (1993) 169-74; Robert G. Neumann, "This Next Disorderly Half Century: Some Proposed Remedies," *Washington Quarterly* 16 (1993) 33-49; Joseph S. Nye, Jr., "What New World Order?" *Foreign Affairs* 71 (1992) 83-96; Malcolm Wallop, "Toward a New Foreign Policy: A Post-Containment Strategy," *Current* no. 356 (October, 1993) 22-31; George Weigel, "Hawks and Doves Revisited: History, Strategy, and Morality in the Bosnian Crisis," *American Purpose* 7 (1993) 35-42.

Intervention can be defined as “dictatorial interference in the internal affairs of another state involving the use or threat of force, or substantially debilitating economic coercion.”<sup>6</sup> History reveals numerous cases of intervention during the superpower competition following World War II. These were carried out under a variety of pretexts, but the underlying motive was usually to achieve some victory in the struggle between the two great powers.

Today we continue to find interventions taking place around the globe, but a new twist is that with increasing frequency the rationale given for such interventions is a humanitarian one. Humanitarian intervention can be understood as intervention (in the sense described above) “in order to remedy mass and flagrant violations of the basic human rights of foreign nationals by their government.”<sup>7</sup> Opposing the atrocities of repressive governments and alleviating the suffering of ordinary people due to the misfortune of natural or humanly caused disasters has strong appeal in an age that has come to embrace human-rights language as a way of articulating belief in the dignity of the human person. Nonetheless, supporters of humanitarian intervention must confront two formidable obstacles: the centrality of state sovereignty in the international order, and the difficulties inherent in formulating a practical policy to guide humanitarian interventions.

#### Intervention, Nonintervention, and Sovereignty

Intervention, as I have defined it, contravenes a state’s claim to sovereignty, which is closely linked to the idea of territorial jurisdiction. “In international law the state is clearly sovereign and has the ultimate legal right to say what should be done within its jurisdiction.”<sup>8</sup> State sovereignty is a widely recognized norm of international law and has become a distinguishing feature of the order established with the Treaty of Westphalia in 1648. Intervention is judged illegal,

<sup>6</sup> Jack Donnelly, “Human Rights, Humanitarian Intervention and American Foreign Policy: Law, Morality and Politics,” *Journal of International Affairs* 37 (1984) 311–28, at 311. While “dictatorial” and “coercive” are important terms in the definition of intervention, they are also imprecise. Exactly what counts as dictatorial interference? Armed force surely falls into this category, but are there actions which do not employ military force yet count as being dictatorial? Economic coercion may count as such a case, but there are degrees of coercion—boycotts, fomenting labor unrest, blockades, freezing of assets, sanctions. Which of these, if any, amounts to dictatorial interference?

<sup>7</sup> Kelly Kate Pease and David P. Forsythe, “Human Rights, Humanitarian Intervention, and World Politics,” *Human Rights Quarterly* 15 (1993) 290–314, at 291. A question I will not examine is whether nongovernmental organizations can be accused of intervention. International relief agencies do not use force to intervene, but they do operate inside countries without the clear consent of a government.

<sup>8</sup> *Ibid.* 290.

for it is a violation of the basic norm of state sovereignty. Thus sovereignty has as its corollary a principle of nonintervention.

Yet many of the changes in international life touch on the idea of state sovereignty in such a way as to make reassessment of this fundamental principle of international order necessary. The growth of human rights movements, the demands of nationalist-separatist groups to self-determination, the sheer number of refugees, ties of economic interdependence, transnational issues—all these push the principle of state sovereignty to the forefront in the new foreign-policy debate. As one recent essay began, “International law, and the world politics that creates and sustains it, has increasingly manifested a tension between the primacy of state sovereignty and other values that would challenge its primacy.”<sup>9</sup> Is it possible, then, that the principle of nonintervention may have to admit of more exceptions than previously thought?

While several justifications for overriding the claim to state sovereignty may be employed, both in practice and in theory, the most significant debate concerns the weight to be given to claims of justice as these may clash with a government’s appeal to sovereignty. The ever-present concern with order in international relations has never been sufficient to silence the voices of those who challenge the existing order in the name of justice. Today the claims of justice are often couched in the language of human rights and it is the comparative weight that is given to basic rights of human persons versus a state’s claim to sovereignty which is at the heart of the debate over the new interventionism.

The various formulations of a new foreign policy offer differing ideas about the integration of human rights as a norm of justice in international relations. Those arguing for a more dramatic rethinking of foreign policy see a human rights component as integral to any satisfactory policy, whereas those less prone to discard the outlook of *Realpolitik* are not as inclined to exalt human rights over the traditional norms of nonintervention.<sup>10</sup>

### *Is There a Right of Humanitarian Intervention?*

When international lawyers examine the question of humanitarian intervention, they employ different arguments and cite different

<sup>9</sup> Donnelly, “Human Rights” 313.

<sup>10</sup> Among the articles which may serve to illustrate the two viewpoints are Jarat Chopra and Thomas G. Weiss, “Sovereignty Is No Longer Sacrosanct: Codifying Humanitarian Intervention,” *Ethics and International Affairs* 6 (1992) 95–117; and Stephen John Stedman, “The New Interventionists,” *Foreign Affairs* 72 (1992–93) 1–16.

sources than those who debate the question on moral or political grounds. International lawyers focus on whether or not such a right exists in law, whereas political theorists are willing to make arguments about what should exist in the realm of international order irrespective of the present legal code.

### A Legal Right to Intervene?

Jarat Chopra and Thomas Weiss believe that international lawyers have long agreed on the validity of the concept of humanitarian intervention "but disagreed on whether or not to codify the objective conditions under which it should be carried out."<sup>11</sup> For them the more recent debate, as it has widened beyond the legal community, has been a step backward, since we have now reopened the previously settled question of whether one can intervene for humanitarian purposes instead of examining the real issue, i.e. identifying what conditions are needed to protect humanitarian intervention from abuse.<sup>12</sup>

Christopher Greenwood has taken a directly opposite view. Examining whether a right to humanitarian intervention existed, he wrote, "No—at least as far as unilateral action was concerned. . . . It is true that some prominent international lawyers argued the case for humanitarian intervention. . . . Most of the literature, however, concluded that, even if a right of humanitarian intervention had existed prior to 1945, it had not survived the adoption of the [United Nations] Charter."<sup>13</sup> Equally important is the fact that the past practice of states did not lend support to the existence of such a right. In a number of circumstances where an appeal to humanitarian intervention might have been expected, the intervening nation made its case on some other basis, usually self-defense, e.g. India in East Bengal (1971), Vietnam in Cambodia (1978), Tanzania in Uganda (1979). The International Court of Justice dismissed the idea when it rejected the argument that human rights violations in Nicaragua could justify U.S. military action.<sup>14</sup>

Greenwood does acknowledge that the case for a United Nations authorized intervention is somewhat more ambiguous than outright rejection. There are two divergent readings of the U.N. Charter and

<sup>11</sup> Chopra and Weiss, "Sovereignty Is No Longer Sacrosanct" 96.

<sup>12</sup> *Ibid.* 97. The authors cite a number of articles which appeared in legal journals during the 1960s and early 1970s to substantiate their claim that the right of humanitarian intervention was accepted by legal scholars; see n. 5. of their article.

<sup>13</sup> Christopher Greenwood, "Is There a Right of Humanitarian Intervention?" *The World Today* 49 (1993) 34–40, at 34–35. Pease and Forsythe agree with Greenwood; see "Human Rights" 298–99.

<sup>14</sup> Greenwood, "Is There a Right?" 35.

how one is to understand the powers granted the Security Council in Chapter 7 as these relate to the Charter's strong support of state sovereignty in Chapter 2. Nonetheless, an interventionist interpretation of the Charter's provisions had little practical impact given the East-West conflict. Humanitarian intervention was not feasible in an era when the Soviet Union and the United States were bound to veto any action deemed to provide an advantage to the other in their super-power chess game.

Adam Roberts, in an excellent and wide-ranging treatment of the topic, also questions the view of Chopra and Weiss about the settled nature of the question by the seventies. Like Greenwood, he cites the reluctance of states such as India, Tanzania, and Vietnam to use humanitarian justification for their actions in order to cast doubt upon unilateral intervention's acceptance. When considering the United Nations he appeals to history, for "one only has to look at the emphasis, in most of the period since 1945, on observance of state sovereignty."<sup>15</sup> There have "of course been many military interventions, in many types of circumstances, but the UN almost routinely condemned them."<sup>16</sup> For Roberts, it is true that there has been questioning of the norm of nonintervention, but the discussion was mainly academic and not translated into international practice or law.<sup>17</sup>

Further evidence for the position that humanitarian intervention was not endorsed by international law in the late sixties and early seventies can be found in the writing of David Scheffer, a proponent of humanitarian intervention. Scheffer acknowledges there are "many obstacles in the UN Charter, international law, and state practice that argue against any broad right of humanitarian intervention by either the United Nations or any individual member state."<sup>18</sup> Scheffer complains about the fact that the accepted right of a nation to intervene in order to rescue its own nationals in peril on foreign territory has not been used to permit humanitarian action to save other people: "It is a peculiar paradox of international law that, while this customary rule

<sup>15</sup> Adam Roberts, "Humanitarian War: Military Intervention and Human Rights," *International Affairs* 69 (1993) 429-49, at 433.

<sup>16</sup> *Ibid.* 433.

<sup>17</sup> "True, there was a substantial discussion among international lawyers about the question whether humanitarian intervention could ever be compatible with the Charter; but this was mainly a debate among schoolmen, especially American schoolmen, and until recent times had relatively little impact on national or international practice" (*ibid.* 434).

<sup>18</sup> David Scheffer, "Challenges Confronting Collective Security: Humanitarian Intervention," in David J. Scheffer, Richard N. Gardner, and Gerald B. Helman, *Post-Gulf War Challenges to the UN Collective Security System: Three Views on the Issue of Humanitarian Intervention* (Washington: United States Institute of Peace, 1992) 1-14, at 1.

to permit rescue missions of endangered nationals has been recognized, armed intervention to rescue thousands or even millions of people whose lives are at stake because of a government's repressive conduct somehow has not met the test of legitimacy under the UN Charter (even though a right of humanitarian intervention had been widely recognized during the nineteenth and early twentieth centuries).<sup>19</sup>

#### Security Council Resolution 688

The reality of the strongly held presumptions in favor of state sovereignty and nonintervention make recent actions of the UN Security Council all the more significant. Resolution 688 of the UN Security Council is seen by many as a major breakthrough in the debate concerning humanitarian intervention. That resolution, passed on April 5, 1991 in the aftermath of the Gulf War, demanded that Iraq grant "immediate access by humanitarian organizations to all those in need of assistance in all parts of Iraq" and that the Iraqi government end the repression of Iraqi citizens.<sup>20</sup> For Chopra and Weiss the passage of Resolution 688 means that "the issue of humanitarian intervention was thrust squarely onto the political agenda of states."<sup>21</sup> For Greenwood this resolution "broke new ground in the degree to which it involved the Security Council in taking a stand against a state's ill-treatment of its own people."<sup>22</sup> Scheffer views Resolution 688 as establishing "an unprecedented set of rights and obligations for aid agencies and the host government."<sup>23</sup> Richard Gardner believes that "at the legal and political level the response of the international community to the humanitarian crisis in Iraq, particularly the suffering of the Kurds, has broken new ground."<sup>24</sup>

As a result of the Security Council action, the United States, Britain, and France sent forces into Iraq to create "safe havens" for the Kurdish population. Subsequently, the UN replaced these forces with UN Security Guards. Interestingly, Resolution 688 did not have a provision regarding how to enforce the resolution, either by the United Nations itself or individual member states. Unlike Resolution 678 which authorized "all necessary means" to end Iraq's presence in Kuwait, the later Resolution by the Security Council provided no such mandate.

<sup>19</sup> Ibid. 6.

<sup>20</sup> Security Council Resolution 688 of April 5, 1991, par. 3. Reprinted in Scheffer, Gardner, and Helman, *Post-Gulf War Challenges* 29–30, at 30.

<sup>21</sup> Chopra and Weiss, "Sovereignty Is No Longer Sacrosanct" 102.

<sup>22</sup> Greenwood, "Is There A Right of Humanitarian Intervention?" 36.

<sup>23</sup> Scheffer, "Challenges Confronting Collective Security" 8.

<sup>24</sup> Richard Gardner, "International Law and the Use of Force," in Scheffer, Gardner, and Helman, *Post-Gulf War Challenges* 15–27, at 25.

The military action by the coalition states seemed to be based on an implied right of humanitarian intervention. President Bush on a number of occasions mentioned "humanitarian concerns" and "humanitarian need" to justify the U.S. military's role in the intervention. And the British Foreign Secretary, Douglas Hurd, commented in an interview about authorization for British action, "Not every action that a British government or an American government or a French government takes has to be underwritten by a specific provision in a UN resolution provided we comply with international law. International law recognizes extreme humanitarian need."<sup>25</sup> Later the British Secretary of State for Defense in a speech before the House of Commons confirmed Hurd's opinion by stating that the British military activities were not premised upon UN authority but on "severe humanitarian need."<sup>26</sup>

All these events led then U.S. ambassador to the UN, Thomas Pickering, to highlight the novelty of what had taken place: "While the world has seen the sovereign exercise of butchery before, this is the first time that a significant number of governments have rejected a state's right to do so and acted using military forces to prevent it by providing humanitarian assistance and protection directly to the victims. . . . [T]he response to the plight of the Kurds suggests a shift in world opinion toward a rebalancing of the claims of sovereignty and those of extreme humanitarian need."<sup>27</sup>

But how much has the legal standing of humanitarian intervention changed? To answer the question it is important to understand the power of the Security Council as this is spelled out in provisions of the UN Charter. Within the Charter there is a tension between two ideas—nonintervention and humanitarian concern. For example, Articles 2(4) and 2(7) make it clear that states are prohibited individually or collectively from threatening or using force against another nation or intervening in affairs which fall under the domestic jurisdiction of a state. At the same time Article 55 states that the UN shall promote and respect the human rights and basic freedoms of all people. What is at stake in the argument for humanitarian intervention is precisely whether state sovereignty must give way when humanitarian need is extreme. Which of these ideas should take precedence, nonintervention or the promotion of human rights? History demonstrates that the norm of nonintervention has been given priority of place within UN debates.

<sup>25</sup> Greenwood "Is There A Right of Humanitarian Intervention?" 36. I have relied not only on Greenwood but also on Roberts for the information in the above paragraph; see Roberts, "Humanitarian War" 436–37.

<sup>26</sup> *Ibid.* 36.

<sup>27</sup> As quoted in Scheffer, "Challenges Confronting Collective Security" 4.



A second significant note regarding the Charter is the power of the Security Council. Articles 39 and 53(1) give to the Council the prerogatives of determining whether a threat to peace or an act of aggression has occurred, and selecting what appropriate action shall be enacted to enforce the peace. For the better part of the life of the UN the Council had been largely unable to come to consensus on such determinations precisely because of the differing interests of the Eastern and Western blocs. With the shift in world politics, signaled by the break-up of communism, the Security Council has acted in ways that heretofore would have been unexpected. It appears, as Pickering suggests, that the tension between sovereignty and humanitarian need is now tilting in favor of humanitarian concern.

Closer examination of UN Security Council activity, however, should temper the claims that we are seeing a shift in legal doctrine. (1) No right of unilateral intervention on humanitarian grounds, absent Security Council endorsement, was approved. (2) In Resolution 688, which condemned Iraqi treatment of the Kurds, the Security Council held that the refugee problem and cross-border incursions constituted a threat to international peace. In other words, the legal basis for the Council's decision was not exclusively, perhaps not even partially, humanitarian. Rather, it was the familiar and accepted ground of a threat to the peace and security of member states. (3) The Council's decision was part of the aftermath of a war in which the UN-sponsored coalition had good reason to feel some responsibility for the Kurds' plight. Again, this can be understood as a judgment made on the familiar ground of the right of victors in assuming responsibility for the condition of a defeated country. (4) As has been already noted, the safe havens in northern Iraq were actually created by three states acting in concert, who stretched the Security Council resolutions to endorse an implied right to intervene. Perhaps the best interpretation is that the Security Council acquiesced in this action. They certainly did not condemn it, but it is not clear they simply approved it. (5) Many nations expressed unease with Resolution 688 precisely on the grounds that it might set a precedent for interventions which are judged to be incompatible with state sovereignty. It was the least supported resolution addressing the Gulf crisis adopted by the Security Council; it garnered only ten votes when nine were needed to adopt it. Three nations (Cuba, Yemen, Zimbabwe) opposed it, and two others (China and India) abstained. Indeed, if Ivory Coast and Zaire had voted differently, the measure would have failed.<sup>28</sup> Had the resolution been couched in

<sup>28</sup> I am indebted to Roberts, "Humanitarian War" 437-38 for this background on the Security Council vote.

mainly humanitarian terms rather than the more acceptable rationale of maintaining international peace, it is quite possible that China would not have abstained but vetoed the proposal or that several of the Latin American and African nations would have changed their vote from affirmative to negative.<sup>29</sup> In sum, the much cited precedent establishing a legal basis for humanitarian intervention is quite limited and was approved within special circumstances.

As I shall discuss below, subsequent UN action in Somalia and arguments for action in Bosnia do not significantly alter the legal picture developed at the time of the Council's action towards Iraq. In the opinion of Richard Gardner the Council may be "more likely than it was before to deal with mass repression when it can reasonably find a threat to 'international peace and security.' . . . What the members of the Security Council will not do, however, is authorize military intervention in a country on human rights ground alone. . . . This is where we stand in the evolving balance between national sovereignty and human rights."<sup>30</sup>

#### Political Theory on Intervention

It may well be, as Thomas Franck says, that an international lawyer is someone "who won't cross a bridge even when he finally comes to it."<sup>31</sup> But there are others more adventurous in their support for endorsing a right of humanitarian intervention. In a summary of the deliberations of a working group established by the United States Institute of Peace, Ambassador Robert Oakley stated, "The working group concluded that significant change was afoot in the thinking of statesmen and scholars about when, how, and to what extent armed intervention for humanitarian purposes as well as for traditional peacekeeping might be sanctioned by the international community."<sup>32</sup>

Former Secretary General of the UN, Javier Perez de Cuellar, in a speech at the University of Bordeaux shortly after the vote on Resolution 688, put the issue quite well:

We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents. We must now ponder this issue in a manner that is at once prudent and bold. In a prudent

<sup>29</sup> Gardner, "International Law and the Use of Force" 24.

<sup>30</sup> Ibid. 27.

<sup>31</sup> Ibid.

<sup>32</sup> Robert W. Oakley, "Foreword," in Scheffer, Gardner and Helman, *Post-Gulf War Challenges* i-v, at v. The working group was made up of forty-two people including members of the Foreign Service, public-policy think tanks, academic specialists and government officials from both the U.S. and other nations.

manner, because the principles of sovereignty cannot be radically challenged without international chaos quickly ensuing. In a bold manner, because we have probably reached a state in the ethical and psychological evolution of Western civilization in which the massive and deliberate violation of human rights will no longer be tolerated. It falls to us, therefore, to forge a new concept, one which marries law and morality.<sup>33</sup>

Forging that new concept will entail less a search for legal precedent than a wide-ranging debate among many parties concerned with a just and peaceful international system. It is fair to say that the status quo since World War II has emphasized order over justice in international relations. The outcome of the new debate should more adequately integrate human-rights issues into any definition of a just international order.

Those favoring humanitarian intervention must address both conceptual and practical concerns with the idea. The biggest conceptual obstacle to humanitarian intervention is the traditional notion of state sovereignty. Various authors have addressed this topic in works we have already cited. Their arguments may be summarized:

1. There is a changing understanding of political authority in the modern world. Ever since the Treaty of Westphalia only states were seen as possessing sovereignty. *Realpolitik* overemphasized the legitimacy of states and undervalued the place of both supra- and sub-national actors. But, due to patterns of democratic participation and the popular ideology of human rights, the restriction of sovereignty to a characteristic solely of states is undergoing some erosion. Increasingly, individuals and nongovernmental institutions have standing in international law (Chopra and Weiss, Kegley, and Nye).

2. The revolutions in information, communication, travel, business, environmental awareness and other areas have led to a new understanding of what is frequently called interdependence. It simply is not possible to maintain the same old claims to absolute sovereignty over one's population when so much of what used to fall under the domestic jurisdiction of a state is now subject to international forces. Our understanding of sovereignty must evolve to fit the times. The meaning of "domestic affairs" is historically conditioned (Chopra and Weiss, Pease and Forsythe, Scheffer, and Weigel).

3. Among the important developments in political life is the way in which rights-claims have been "internationalized." Whereas individual states may still be seen as the ordinary mechanism for protecting rights, there is growing appreciation of appeals to a

<sup>33</sup> UN Press Release SG/SM/4560 (1991), as quoted by Scheffer, "Challenges Confronting Collective Security" 4.

broader audience in the face of extraordinary human rights abuses and/or failures within a state. There are crimes against humanity (Chopra and Weiss, Kegley, Pease and Forsythe, Roberts, Scheffer, and Weigel).

4. Extensive and persistent violations of human rights are themselves threats to international order and peace. New waves of refugees, disturbances in economic life such as limitations of trade or access to resources, cross-border loyalties of race, religion or ethnicity which will arouse concern in other states—these are some of the likely results of widespread repression within a nation. Other states, especially neighboring ones, can not afford to be indifferent to a government's grossly abusive activity (Kegley, Roberts, and Scheffer).<sup>34</sup>

Opponents of humanitarian intervention do not deny, or directly engage, these arguments. Rather, they underscore the value of a strong sense of sovereignty, and they emphasize the dangers of endorsing a policy of humanitarian intervention.

The strongest argument for state sovereignty is that it "has not served badly as an ordering principle of international relations. . . . It is, notoriously, a principle based more on order than on justice, but as such it does have a serious moral basis. It provides a clear rule for limiting the uses of force and reducing the risk of war between the armed forces of different states. It involves respect for different societies."<sup>35</sup> Whatever its shortcomings, therefore, the principle of state sovereignty has helped secure a measure of order in the international system and kept the wolf of war's chaos a bit farther from our door.

The dangers of humanitarian intervention will be treated under the heading of policy guidelines, for any adequate reply will be at the level of policy formulation. Proponents of humanitarian intervention must offer a series of norms for humanitarian intervention that can safeguard the value served by sovereignty while avoiding the potential dangers of unwise interventions. Before moving on to that discussion, however, a Catholic perspective on sovereignty should be noted.

<sup>34</sup> I do not wish to suggest that the authors mentioned in the summary all agree on what specific form a policy of humanitarian intervention should take. I only wish to suggest that all agree that the traditional notion of state sovereignty needs revision, for some a modest revision, for others a more drastic one. What is common in the arguments for the revision is that there would be justification for some kind of forcible intervention for a humanitarian purpose under certain circumstances.

<sup>35</sup> Roberts, "Humanitarian War" 434.

## Sovereignty within a Roman Catholic Perspective

A standard account of Catholic theory regarding the state serves to support those arguing for a revised theory of state sovereignty.<sup>36</sup> History demonstrates that the idea of sovereignty has undergone several transmutations, especially during the sixteenth and seventeenth centuries when the idea of the autonomous and absolute prince replaced medieval notions of spiritual authority, customary laws, feudal estates, public guilds and corporations as sources of political authority.

Within Catholic political theory sovereignty never became separated from the broader notion "of the *ordo rerum humanarum*. Political sovereignty refers thus to a partial content of that order, not to its whole. The spheres of the individual, of the family, and of the cultural and economic organization (society), represent genuine limits to sovereignty. And as mankind is a genuine community, too, the international order, the constitution of the natural community of states, is a restriction of sovereignty."<sup>37</sup> Seen this way sovereignty can never be absolute although it is elastic, expanding or contracting according to the needs of the common good. It can not be unlimited for that would abolish the freedom of other realms of human life, nor can sovereignty be dismissed for that would do away with a necessary realm of formally organized society.

For Catholic social theory, state sovereignty within the international order means the independence of one state from another. It is a guarantee of political freedom within the community of nations. But, "[f]reedom does not mean arbitrariness or license. When we say that a state is sovereign, we say merely that it is independent of another state, of its equal, not that it is free absolutely. . . . [T]he state is dependent upon supranational values and . . . there are moral and legal rules which are transcendent in relation to its independence. . . . Therefore the moral and spiritual values and purposes that form the moral world are superior to each and all of the states. Precisely in the recognition of these values and in its help in realizing these ends, lies the reason for sovereignty."<sup>38</sup>

When a state abuses its sovereignty, refusing to recognize the values it is called to serve, it attacks the very moral foundation of its own existence. "Only a state that respects the supranational order of values has a right to the respect of its citizens and of its coequals in the

<sup>36</sup> Heinrich A. Rommen, *The State in Catholic Thought: A Treatise in Political Philosophy* (St. Louis: Herder, 1945).

<sup>37</sup> *Ibid.* 400.

<sup>38</sup> *Ibid.*

community of nations."<sup>39</sup> If basic human rights are understood to be expressions of some of those values which are supranational, then a claim to sovereignty can not be used as immunity for a state which violates those values. The argument of the Catholic position is not that there are multiple claims to sovereignty in the same order; there must be one final authority within an order of human life. But all sovereignty is circumscribed by the fact that there are different realms or orders of human existence and no institution can claim to be absolute sovereign of all. The state has legitimate but relative sovereignty in human life.

A practical application of this approach is found in the remarks of Pius XII in his Christmas radio address of 1956. The context was the crushing of the Hungarian uprising earlier that year by the Soviet armed forces. Pius made three points. First, refusal to allow UN observers to enter a nation under siege reflects a "concept of state sovereignty [which] threatens the very foundations of the United Nations." Second, the UN ought "to have the right and the power of forestalling all military intervention of one state in another." Third, the UN should also have "the right and power of assuming, by means of a sufficient police force, the safeguarding of order in the state which is threatened."<sup>40</sup>

The American bishops addressed the topic of sovereignty in their 1983 pastoral letter on war and peace. There the bishops, recalling John XXIII's teaching in *Pacem in terris*, approve a "real but relative moral value to sovereign states. The value is real because of the functions states fulfill as sources of order and authority in the political community; it is relative because boundaries of the sovereign state do not dissolve the deeper relationships of responsibility existing in the human community."<sup>41</sup>

This same respect for sovereignty and acknowledgement of its limits can be found in an address of John Paul II to the diplomatic corps accredited to the Holy See. The Pope asserted that at "the very heart of international life is not so much States as man. . . . There exist interests which transcend States: they are the interests of the human person, his rights. . . . The principles of sovereignty of States and of non-interference in their internal affairs—which retain all their value—cannot constitute a screen behind which torture and murder

<sup>39</sup> *Ibid.* 405.

<sup>40</sup> Pius XII, "Christmas Radio Message (December 23, 1956)," excerpted in *Peace and Disarmament: Documents of the World Council of Churches and the Roman Catholic Church* (Vatican City: Tipografia Poliglotta Vaticana, 1982) 137–39, at 137–38.

<sup>41</sup> National Conference of Catholic Bishops, *The Challenge of Peace* (Washington: U.S. Catholic Conference, 1983) no. 237.

may be carried out."<sup>42</sup> From the papal perspective the state is part of the order of human life which also includes areas over which the state does not have sovereignty. The human rights of persons can not be reduced to the domestic jurisdiction of the state for these are part of the supranational values which states must serve. The norm of sovereignty is limited and relative.

I conclude therefore that in Catholic teaching, and increasingly in the writing of political theorists, state sovereignty is not an insuperable obstacle to support for the idea of humanitarian intervention. What remains to be developed is the policy which will guide the practice of so difficult a venture.

### *Policy Guidelines for Humanitarian Intervention*

Opponents to humanitarian intervention provide a formidable array of arguments. Even supporters of the idea admit there are significant dangers accompanying the adoption of such a norm. Perhaps the harshest recent critic of humanitarian intervention is Stephen John Stedman. To his mind, "the new interventionists wed great emphasis on the moral obligations of the international community to an eagerness of a newly available United Nations to intervene in domestic conflicts throughout the world. . . . The precepts of this new doctrine chafe at traditional notions of sovereignty, remain contradictory and are leading international actors toward largely uncharted domain. Followed unthinkingly, the new interventionism could become increasingly expansive, until the United States and the United Nations ultimately take on tasks for which they are ill-prepared, leaving themselves embroiled in numerous internal conflicts without the will or resources to bring peace to any."<sup>43</sup>

Of course followed "unthinkingly" most foreign policy norms will lead to disaster. While there may be a certain zealotry and naiveté present in some arguments,<sup>44</sup> most proponents of humanitarian intervention are sensitive to the dangers and are mindful of the need to address the worries that opponents like Stedman cite. Just what are those worries? Again, I will summarize the views of several people, including some who ultimately endorse the idea of humanitarian intervention.

<sup>42</sup> John Paul II, "Address to the Diplomatic Corps Accredited to the Holy See," *L'Osservatore Romano* (Weekly Edition in English) 26 (20 Jan. 1993) 1-2, at 2.

<sup>43</sup> Stedman, "The New Interventionists" 1-2.

<sup>44</sup> "The new interventionism has its roots in long-standing tendencies of American foreign policy—missionary zeal, bewilderment when the world refuses to conform to American expectations and a belief that for every problem there is a quick and easy solution" (ibid. 4).

1. Acknowledgement of a right but not a duty to intervene for humanitarian purposes leaves far too much discretion as to whether, where, and under what circumstances intervention will take place. The selectivity is an invitation to hypocrisy and self-interest (Donnelly). This leads to a second concern, that humanitarian intervention will serve as a pretext for other motives such as national self-interest (Chopra and Weiss, Donnelly, and Gardner). It is no wonder, then, that many smaller nations continue to oppose humanitarian intervention (Scheffer). It can easily become a new guide for traditional power politics (Chopra and Weiss, Donnelly, Pease and Forsythe, Roberts, and Stedman) whereby larger and stronger nations direct the lives of smaller and weaker populations, so that in the name of human rights a neo-colonial mentality is fostered (Chopra and Weiss, Donnelly, Nye, Roberts, and Stedman).

2. What standard of human rights will be employed in determining whether intervention is justified? Even if we restrict the violations to the dramatic one of arbitrary killings, determining the duration and trend of such killings as well as the degree of government complicity often entails judgments susceptible to partisan manipulation (Donnelly, Stedman). If other human-rights violations will be cited as sufficient to intervene, which violated rights will be included on a priority list? More than fifty of the member states of the United Nations are less than flourishing democracies, and several dozen of these engage in egregious human-rights abuses. Are they all candidates for intervention (Gardner)? Will the inevitable selectivity undermine claims that the motivation for intervention is justice and humanitarian concern?

3. This leads to a third major set of concerns which fears that the expansiveness of any principle of humanitarian intervention makes a policy based on it unworkable, either unilaterally or multilaterally (Donnelly, Stedman). What are the limits to such intervention? Is it possible to have a purely humanitarian mission if part (most) of the crisis is human made and political (Stedman)? If there is any serious long-term point to humanitarian intervention, must it not involve intervenors in political and economic reconstruction (Roberts)? If there is no commitment to a broader mission, what will the short-term humanitarian action accomplish? A humanitarian intervention will never be simply a military task since, except in situations of natural disasters, the very reason there is a humanitarian crisis is related to political factors, e.g. in Bosnia and Somalia (Weigel). Therefore, it is not enough to deliver essentials of food, water, clothing, medicine or shelter, but a measure of political stabilization is necessary. In pursuing such political transformation will not the intervenor come to side with one or the other group in the nation? Can humanitarian intervention remain



impartial, above the political interests at odds in the invaded state (Roberts)? The UN and U.S. experience in Somalia is an example of this danger. A policy of humanitarian intervention can be used as a substitute for a real foreign policy toward a troubled region of the world. We do not know what our goals are or how to achieve them, so we provide short-term aid. The reaction of the U.S. and the major European nations toward the region of the former Yugoslavia exemplifies this failure.

Faced with so formidable an array of questions and challenges, the proponents of humanitarian intervention have been forced to specify policy criteria which can be grouped under three headings.

### Who Should Intervene?

Any policy of humanitarian intervention should declare a strong preference for multilateral intervention under the mandate of the UN Security Council. Any list of criteria to determine the existence of a humanitarian crisis will either be general and require specific judgment or so detailed that it will lack the flexibility to address unforeseen circumstances. Thus some mechanism for making judgments of human rights abuses or failures will be necessary, and such judgments will prove controversial. The Security Council is the existing forum where such matters can be debated, and its decisions have the necessary legal standing to authorize action.

Keeping in mind the debate about a legal right of humanitarian intervention, it appears that, at the present time, any such intervention will be approved, if at all, under a more expansive interpretation of Chapter 7 of the Charter which empowers the Security Council to act "to maintain or restore international peace and security." No purely humanitarian argument will suffice. There is too much opposition within the UN, especially among China, India, and many of the smaller nations who jealously guard their legal sovereignty, to admit a human-rights exception. It does appear, however, that in recent events the elasticity of Chapter 7 has stretched to the point that genocide or widespread and severe repression would now be considered a threat to the peace and security of the international order.

We must distinguish between the UN as a multilateral or collective decision-making forum and the action of intervention, since the stipulation that intervention be "collective is not necessarily in the operation, which may be executed by one or two or many states, but in the decision to act as well as the continued direction of the operation."<sup>45</sup> A

<sup>45</sup> Chopra and Weiss, "Sovereignty Is No Longer Sacrosanct" 114.

nation or coalition of nations can legitimately act as a delegated agent of the Council in enforcing a resolution of that body. Thus unilateral action, in that sense of the term, seems possible.

The enlarged role of the UN in world affairs has been celebrated by many who have hoped to see that organization begin to fulfill the promise of a collective peace-keeping and peace-enforcement institution.<sup>46</sup> There is no question that the end of the Cold War has permitted the UN to take up issues which previously would have been held hostage to the superpower competition. "But that does not mean the UN is capable of acting without strong leadership from the United States, as the cases of the Gulf War and the debacle of Yugoslavia have proved, in very different ways."<sup>47</sup> As useful and important as the UN is proving itself to be in this post-Cold-War era, it is not apparent that the leadership role of the United States is lessened. The U.S. now has the freedom to act more collaboratively with other nations. In addition the prospect for building coalitions to pursue shared goals has been increased. Nonetheless, there remains a decisive role for U.S. leadership.

Far more controversial than unilateral implementation of a collective decision to intervene is the suggestion that there can be a unilateral judgment of whether to intervene. Precisely to safeguard against a state using a humanitarian rationale as a pretext for pursuing its self-interest the notion of unilateral intervention is widely opposed. Yet such interventions have occurred. Are they simply to be opposed because of their unilateral nature?

There are two factors to be considered in response to the question. First, the growing importance of human rights in the minds of contemporaries makes gross violations of basic rights intolerable. Second, UN action can require long delays and tortuous diplomatic negotiations before a decision is reached. Thus, it has been suggested that a back-up policy to Security Council authorization for humanitarian intervention may be possible.

David Scheffer suggests a set of guidelines. Six conditions ought to be verified before a state can legitimately decide for unilateral humanitarian intervention: (1) The Security Council must have reached a stalemate as to authorization of intervention but not explicitly prohibited intervention. (2) Alternative measures should already have been tried and exhausted. (3) The severity of the violations of human rights

<sup>46</sup> An informative essay on the development of the UN's peacekeeping operations is Marrack Goulding, "The Evolution of United Nations Peacekeeping," *International Affairs* 69 (1993) 451-64.

<sup>47</sup> George Weigel, "Notes Toward the Redefinition of 'America's Purpose'," *American Purpose* 6 (1992) 41-48, at 48.

must be incontrovertible. (4) Efforts must have been made to assemble a diversified intervening force. (5) There must be reason to believe that intervention will bring about more good than harm. (6) The long-term independence and integrity of the target state must not be endangered.<sup>48</sup> It seems difficult, however, to imagine a situation in which all these conditions would be met and yet only a unilateral judgment would be possible. If Security Council approval is delayed but the other conditions apply, one would think that a multilateral group of some kind could and should be convened to endorse action, e.g. the North Atlantic Treaty Organization, the Organization of African Unity, or the Organization of American States.

### What Counts as a Humanitarian Crisis?

The most obvious and agreed upon example of a humanitarian crisis is genocide. For some authors this is the only situation which legitimates intervention.<sup>49</sup> Others argue for a longer list of possible cases which qualify as humanitarian crises.<sup>50</sup> Arbitrary killings, rape, torture, indiscriminate attacks on civilian centers, denial of food or shelter—all seem to be human-made crises that, to use the traditional phraseology, “shock the conscience of humanity.” These acts are assaults on human dignity that evoke outrage from ordinary people with ordinary moral convictions. (Mass deportations are not included here, since it is likely that such state action would be more readily opposed, at least by neighboring states, on the grounds of a threat to international order.)

One of the ways that unilateral humanitarian intervention or multilateral intervention outside of UN auspices can acquire greater acceptance is if the charge of a humanitarian crisis entails violations of commonly accepted basic rights, and if evidence of a state’s wrongdoing or ineptitude is amply documented by nonpartisan observers. The ability to appeal to third parties, such as independent nongovernmental organizations, for confirmation that a genuine humanitarian crisis exists and that a government is blameworthy can be considered a minimal test for humanitarian intervention.

In deliberations on human-rights charges against a government it is

<sup>48</sup> Scheffer, “Challenges Confronting Collective Security” 11–12.

<sup>49</sup> Charles Krauthammer, “Drawing the Line at Genocide,” *Washington Post*, 11 Dec. 1992, A27.

<sup>50</sup> Neither Chopra and Weiss, “Sovereignty Is No Longer Sacrosanct” nor Pease and Forsythe, “Human Rights” nor Scheffer, “Challenges Confronting Collective Security” provide a list of human rights, but they all speak more broadly than the limited case of genocide when they refer to basic or fundamental human rights the violation of which warrants intervention.

important to weigh the degree of state complicity, the extent of the violations, and the persistence of the offensive activities by the state, or by agents whom the state does not impede. In some situations the officials of a government may be more inept than evil. In situations like Somalia it is not so much the government which has caused the crisis but the inability of the government to act appropriately.

When the situation entails government ineffectiveness more than government violation, it is often natural disasters that lead to the crisis. States may for a variety of reasons resist outside assistance in dealing with internal difficulties. Yet a time can come when the danger to the lives of people is so immediate and extensive, as in severe famine, that a state's refusal to admit humanitarian aid goes beyond reasonable claims of sovereignty. It is not the cause of a humanitarian crisis that is decisive but the actuality of the crisis.

### When Is Intervention Possible?

A number of circumstances define a situation in which humanitarian intervention could be a prudent option. Having a clearly defined political goal is paramount. One of the dangers of speaking of "humanitarian intervention" is that it might suggest there could somehow be a military action which is not linked to political objectives. But, as George Weigel correctly notes, "there is no apolitical use of military power."<sup>51</sup> As we have seen in Somalia, and as would be the case in Bosnia or Haiti, an intervenor inevitably becomes a participant in the political organization of the society. As the Somali experience demonstrates, even when the aim is provision of basic material goods, the intervenor becomes embroiled in facilitating a political settlement so that the crisis will not return upon withdrawal of the intervening forces. "Intervention in divided societies involves consideration of the central and long-term issues of who is to govern, and within what frontiers."<sup>52</sup> Thus armed humanitarian intervention must have a clear political aim, and the intervenor(s) must be prepared to see the process through to completion.<sup>53</sup>

Once one is clear about the political aim of intervention, one must

<sup>51</sup> Taken from an unpublished text which Weigel was kind enough to provide for me.

<sup>52</sup> Roberts, "Humanitarian War" 447. Caleb Carr argues a similar point in his discussion of the U.S. intervention in Somalia; see "The Humanitarian Illusion," *New York Times*, 16 Sept. 1993, A21.

<sup>53</sup> Weigel observes, "Hit and run is a venerable tactic in baseball. It is neither morally nor politically defensible in world affairs" (unpublished text).

ask if military action will serve that aim. It may well be that better understanding of what is really needed to assist people in crisis will turn attention away from military intervention to alternatives.<sup>54</sup> Some goals not only are ill served by military action but are actually beyond the capability of military intervention to achieve.

Still, there may be objectives that are obtainable by armed force, and a judgment may be made that intervention is needed in order to obtain them. The next step in the decision process is to examine whether or not military success is achievable. Is intervention "do-able?"<sup>55</sup> Are the resources present in personnel, equipment, expense? Does the proposed intervention pass a feasibility test, such as the just-war criterion of reasonable hope of success? Testing for feasibility will often make unilateral interventions unattractive, since success will be tied to the willingness of others to assist in the effort.

Another factor affecting feasibility is domestic support for an act of humanitarian intervention. Convergence of other interests besides a humanitarian one can help maintain popular support for an intervention, especially if military conflict results in casualties. Part of the difficulty with U.S. action in Somalia and the contemplated action in Bosnia is that Americans saw little reason other than the humanitarian motive for intervention. Once Somalis appeared on television screens celebrating the death of American service personnel, politicians abandoned support for the Clinton policy in unseemly haste. The threat that U.S. engagement in Bosnia would put military personnel at risk in a struggle which few Americans understood made popular support for intervention weak. The realities of political life are that purely humanitarian motives will likely not be sufficient to maintain engagement in any prolonged or risky intervention. Association of humanitarian interventions with other national interests may be necessary in order to sustain an effort that entails significant costs or shedding of American blood.<sup>56</sup>

<sup>54</sup> A good example of one such case may be Somalia, at least if the report of Jonathan Stevenson is accurate. Stevenson recounts the tardy and faulty beginning of UN involvement in Somalia but also the diligent work of UN special envoy Mohammed Sahnoun. The Algerian diplomat was making progress on a diplomatic front when his efforts became overwhelmed by the decision to intervene with military forces; see "Hope Restored in Somalia?" *Foreign Policy* no. 91 (1993) 138-54.

<sup>55</sup> Krauthammer, "Drawing the Line," A27.

<sup>56</sup> J. Bryan Hehir has suggested that the Clinton administration's policy on Bosnia reflects a lack of support among those who do not see the Bosnian crisis as affecting American national interests. It also reflects the mildly expressed normal outrage which the atrocities of the war have evoked among the American population. If the human

The issue of feasibility leaves proponents of humanitarian intervention open to the charge of selectivity. But this charge is somewhat strange. Selectivity is identified with inconsistency, and this is thought to be an obvious failure in policy since it will lead to resentment on the part of those who are not rescued by a humanitarian intervention. Inconsistency also creates confusion for friend and foe alike about what our nation stands for, and this unpredictability makes for bad foreign relations and an unstable international order. The mistake is to equate selectivity with inconsistency. Treating similar cases dissimilarly is inconsistent, but treating different cases differently is good sense. As already noted, questions of feasibility will depend on a number of factors. Differences between cases, e.g. military risk, likelihood of multilateral cooperation, severity of human-rights violations, government complicity, competing commitments for resources, domestic support, etc. will necessitate examining each case closely to see if humanitarian intervention is the right course of action.

While many critics of the former U.S. policy of containment made good points, it was foolish to challenge the idea on the ground that it was selective. Decisions to engage communism in Korea and Vietnam but to abstain during the Hungarian or Czechoslovakian or Polish uprisings was not based on simple arbitrariness. Whatever our evaluation of any of those decisions, it was reasonable to expect policymakers to assess the situations on their distinctive elements and not on the basis of a rigid rule always to oppose communist expansionism with military force.

On this point the crisis in the Gulf may prove to be a misleading precedent. The intervention on behalf of the Kurds went reasonably well because it followed upon the highly successful UN peace-enforcement action. There were unique circumstances surrounding the Iraqi intervention that are not replicated in Somalia, Bosnia, or many of the other trouble spots on our globe. Somalia is a casualty of the end of the Cold War. The political regime in Somalia never had legitimacy but was sustained artificially through the life support of foreign aid during the superpower contest. When that contest ended the state collapsed, and pressure began for intervention to save a society that was not a true nation-state. There are other Somalias in the world.<sup>57</sup>

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suffering of the conflict gained a greater hold on the American mind or the crisis threatened to spread in a way that threatened NATO or European order then we might see more widespread support for an American intervention ("The 'State' of 'Defense'," *Commonweal* 120 [26 March 1993] 9-10, at 10).

<sup>57</sup> McMullen and Norton, "Somalia and Other Adventures" 169, 174.

As a result we must be clear about our political goals if we are to know when to support intervention.

Bosnia provides yet another kind of crisis. There are elements of foreign aggression in the tragedy as Serbia's involvement illustrates. But there is also the factor of a civil war, fueled by ethnic sentiment and historical resentment. In civil wars there are what Stedman calls "asymmetries" which make intervention problematic: "Parties win by not losing; the will of those who intervene will wane over the long term if resource and human costs run high; and intervention will be one of many commitments for outsiders, whereas internal actors will be singleminded in their dedication."<sup>58</sup> What are the prospects of third-party military intervention acting impartially and forcing all sides to the negotiating table against their will? What are the odds of a representative Bosnian government ruling a territory jointly inhabited by Croats, Muslims and Serbs? Is the UN prepared to declare Bosnia a protectorate and govern by trusteeship? Without an outside military presence stationed for some indefinite period to prevent continued fighting, and a committed diplomatic effort to prepare Bosnians for self-government, can quick military intervention do more than periodically shepherd food and fuel to isolated areas? The lack of a foreign policy towards the Balkan region can not be covered over by episodic relief efforts.<sup>59</sup>

### *Conclusion*

In closing this reflection on a tangled and tragic topic, some comments by people of faith may remind us of the reasons we must press on toward insight and eventually formulate policies that will reflect our moral commitments and political judgment.<sup>60</sup> The American bishops are surely right when they quote Paul VI who spoke of a "crisis of

<sup>58</sup> Stedman, "The New Interventionists" 8.

<sup>59</sup> Two elements of a policy would be prevention by a UN- or NATO-led military presence of any spread of unrest or aggression into the regions of Kosovo or Macedonia, and opposition to any attempt to create an ethnically pure state. William Pfaff convincingly argues that a principle of ethnic self-determination is a permanent provocation to war in a region with a population as mixed as the Balkans. See "Invitation to War," *Foreign Affairs* 72 (1993) 97-109. On a right to self-determination, see also Nye, esp. 90-91, and Weigel, "Notes Toward the Redefinition of 'American Purpose,'" esp. 44-46.

<sup>60</sup> For reflections on how the issue of humanitarian intervention is being discussed within Roman Catholic circles and how policy can be examined by employment of the categories of the just-war tradition, see Kenneth R. Himes, "Just War, Pacifism and Humanitarian Intervention," *America* 169 (1993) 10-15, 28-31.

solidarity.”<sup>61</sup> In this new era, they write, “it is urgent that American Catholics, as citizens of a powerful democracy and members of a universal church, reject the temptation to isolationism or indifference and take up the challenge of pursuing peace and securing justice both in our nation and in a new world. The people of far-off lands are not just abstract problems, but sisters and brothers. We are called to protect their lives, to preserve their dignity and to defend their rights. . . . [Such moral obligations as] building peace, securing democracy, confronting poverty and despair, and protecting human rights are not only moral imperatives but also wise national priorities.”<sup>62</sup> It will not be possible to develop a wise strategic ethic for humanitarian intervention until we fashion a political ethic that articulates our goals for a new world order informed by a moral vision of solidarity.

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#### ETHICS, BUSINESS, AND THE ECONOMY

Normative discussion about what business should try to accomplish occurs on several different levels and is carried on by different kinds of participants for different audiences. On one level there is the debate of practitioners and ethicists (along with lawyers, regulators, and journalists) on how to resolve particular cases and how to elaborate principles that will resolve these cases and provide guidance in similar cases for firms, for public agencies, and for employees. This is a primary concern of business ethics as taught in business schools and in corporate seminars.

On a second, more abstract level, there is reflection, predominantly by philosophers, on the connections between these principles and the institutions and practices of the business world on the one side and the major themes and issues of philosophy and theology on the other. Business is a reality present in many different societies, and it relies on assumptions and practices which are often in dispute among philosophers and theologians. As a result, it inevitably raises questions about the justification of its ethical principles (metaethics and ethical theory), about their universal intelligibility and applicability (hermeneutics), about their dependence on ways of understanding the human person (philosophical and theological anthropology and social philos-

<sup>61</sup> U.S. Catholic Conference International Policy Committee, “American Responsibilities in a Changing World,” *Origins* 22 (1992) 337, 339–341, at 340.

<sup>62</sup> *Ibid.* 341.