

## **Are Humanitarian Military Interventions Obligatory?**

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**ABSTRACT** *I argue here that certain species of war, namely humanitarian military interventions (HMIs), can be obligatory within particular contexts. Specifically, I look at the notion of HMIs through the lens of just war theory and argue that when a minimal account of jus ad bellum implies that an intervention is permissible, it also implies that it is obligatory. I begin by clarifying the jus ad bellum conditions (such as just cause, right intentions, etc.) under which an intervention is permissible. I then turn to the claim that permissibility necessitates obligation, by first showing that whenever an intervention is permissible, it is also minimally decent. Second, I show that minimally decent actions are morally obligatory by arguing that the notion of minimal decency is a conceptual bridge between negative and positive duties. Third, I argue that performing minimally decent actions is necessary for a state to be just. Ultimately, my conclusion arises from the following observation: if a humanitarian crisis is bad enough for one to hold that it is permissible to breach sovereignty of a nation, then it is bad enough to hold that there is an obligation to intervene.*

Ernest Hemingway once wrote, 'Never think that war, no matter how necessary, nor how justified, is not a crime.'<sup>1</sup> Hemingway's words echo the way we think and speak about war; we speak of war in terms of right and wrong, justice and injustice.<sup>2</sup> This is because it is impossible to conceptualize war without intentional violence and casualties and because in turn we never assess violence without reference to morality. It seems odd then to say that there might be times when war is not only morally permissible, but required. Yet, this is exactly what I will argue here: that certain species of war, namely humanitarian military interventions can be obligatory, within particular contexts. Let me at the outset clarify that my goal here is not to provide an overarching or a comprehensive theory of war. Although it is certain that any argument for permissibility or obligation of humanitarian interventions will have broader implications for a theory of war, my purpose here, at least in scope, is modest. To start, I will look at the notion of humanitarian military interventions through the lens of just war theory.<sup>3</sup> Even though the set of theories and concepts that are associated with the term 'just war' is quite broad, the concepts I will present here under the umbrella of 'just war' are so elementary that almost all just war theorists implicitly or explicitly accept them.<sup>4</sup> I will argue that when this basic account of just war implies that an intervention is permissible, it also implies that an intervention is obligatory.<sup>5</sup> In other words, a humanitarian military intervention is permissible only if it is obligatory.<sup>6</sup>

Let me begin by defining humanitarian military interventions as forceful reactions to circumstances 'when the violation of human rights within a set of boundaries is so terrible that it makes talk of community or self-determination or "arduous struggle" seem

cynical and irrelevant, that is, in cases of enslavement or massacre.<sup>7</sup> This very definition, from which I start, carries my antecedent that humanitarian military interventions might be permissible at times. Obviously then, before we turn to arguments for moral obligation to intervene, we need to clarify under what conditions does a commonplace just war framework extend permissibility to humanitarian military interventions. Only then can we argue that permissibility necessitates obligation within just war framework.

### **1. Just War Theory and Humanitarian Military Interventions**

Just war theories, in general, differentiate between justice of war, or *ius ad bellum*, and justice in war, or *ius in bello*. *Justice of war* sets out criteria as to when it is just to enter a war, while *justice in war* sets criteria that are used to define when a war is being fought justly. Since our focus here is permissibility, we must look to justice of war conditions. According to the theory, it is just to enter a war if there is lawful authority, just cause, right intentions, proportionality, reasonable chance of success, and if the war is the last resort. All of these conditions are separately necessary, but only jointly sufficient for a war to be permissible. Before I turn to each of these, let me clarify that my goal in this section is simply to elucidate what it would mean for an intervention to be permissible, and not to give an exhaustive analysis of these conditions.

In the context of humanitarian military interventions, the *just cause* clause requires that an intervention only be embarked upon in the cases of systematic, massive denials of life and liberty; that is, in cases of massacre and enslavement.<sup>8</sup> The death of eight hundred thousand people in Rwanda in a span of a couple of months, from intended violence, seems to be a good example of a just cause for an intervention. In practice it would be necessary to define just cause in terms that will allow us to draw a line on the continuum of circumstances under which we might consider an intervention. For our purpose here, however, we need not actually draw the line, all we need to show is that there are instances where there could be a just cause for an intervention. If the above example of Rwanda does not serve that purpose, than no argument or example will.

Second, the *lawful authority* clause requires an international body, or some other appropriate legal body, to approve the war. It is a hard task to discern what constitutes lawful authority considering the condition of our international laws and their applicability. Lawful authority can, however, even in these under-defined terms, be used as a tool for understanding when a nation or a group of nations might be excluded from intervening, given an unjust intervention in recent past or a lack of respect for human rights. Considering the devastation a military intervention might cause, it would be, at a minimum, irresponsible to grant permission to intervene to those who have used humanism as an excuse for self-serving war in the (recent) past or to those that do not even respect human rights within their own borders.

Third, there needs to be a *reasonable chance of success*. This clause implies that a nation or a group must not intervene if there is no reasonable possibility that the crisis will be diminished as a result of the intervention. This clause should act as a limiting factor for possible interveners, since it can and will exclude many nations. In addition, this clause acts, somewhat, as a relief of the concern regarding the obligations of an intervening nation towards its own citizens, since it will exclude any nation that doesn't have the resources to successfully intervene. Any nation that does have sufficient

resources to intervene will then, by definition, also have sufficient resources to provide all the necessary care to its own citizens. If a nation or a group is unable to provide for its members while intervening, then clearly such a nation or an institution doesn't have sufficient resources to meet the condition of reasonable chance of success.

Fourth, the intervention needs to be the *last resort*, in the sense that a war is just only if all other paths of dealing with a conflict have been exhausted. This principally pertains to all options in the diplomatic sphere. The idea of war as the last resort should not be taken lightly. It is arguably the most succinct way of saying that an intervention is not an option until there are no other options.

Fifth, the *proportionality* clause refers to the need to have a proportional reaction to an aggression or conflict. For example, a war would not be just if it was an excessive reaction to a minor, purely political conflict. There needs to be some threshold, which when crossed can give rise to a military intervention. The intervention, simply put, must be proportional to the cause.

Finally, those that intervene must have *right intentions*. Just like all other clauses of *jus ad bellum*, right intentions are necessary for a humanitarian intervention to be permissible. Let me start off by postulating that: a) right intentions for humanitarian military intervention are the alleviation of human suffering and halting of wide-spread atrocities and b) humanitarian intent must be primary for intentions to be right. The key questions then are: What does it mean to say that humanitarian intent is primary and why does it have to be primary?

A typical concern regarding humanitarian military interventions is the tension between concepts of intervention and sovereignty. Much of the just war theory has been focused on defending the claim that interventions can be permissible, i.e. that sovereignty of a nation can be breached at times when there is a massive denial of basic human rights. The confrontation between the concepts of sovereignty and interventionism has been a problem for not only philosophy, but also international policy. The ideas of sovereignty, political integrity and self-determination are essential to much of our civilization; so essential that some would place them higher in the moral realm than the preservation of human lives. For example, Machiavelli held that 'to preserve the state, he [the prince] often has to do things against his word, against charity, *against humanity*, against religion.'<sup>9</sup> This assignment of moral value to the very concept of nation-state gives rise to claims that '*any* use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act.'<sup>10</sup> On this approach an intervention can never be justified.

However, we ought to ask whether the moral value resides in the principles of sovereignty and self-determination, or in the purpose these principles have? If we consider sovereignty and self-determination as notions that have moral worth as abstract principles, then an intervention cannot be justified.<sup>11</sup> But, sovereignty and self-determination are not some abstract terms that have a moral value without a reference to the people they serve and the rights they protect. Their moral standing emerges out of the values they aim to uphold, namely basic human rights. So, if we view sovereignty and self-determination as only the tools to preserve some other more basic moral values, like life and liberty, then it could be argued that interventions can be justified at times. In other words, if sovereignty and self-determination are only means and not ends in themselves, then it would be justified to disregard them in favour of other means, specifically interventions. This is because in cases of humanitarian crises, the humanitarian intervention is effectively

an act of preservation of the basic foundational blocks or the premises of sovereignty and self-determination, specifically life and liberty. But, if it is the case that we can disregard sovereignty at times, it is only because we see it as a means to an end, namely as a means for the protection of human rights. If an intervention is then justified only when it is itself a means for the protection of human rights, then it follows that the primary intention has to be the alleviation of a humanitarian crisis, because on this view that is the only time when sovereignty can be breached.

Humanitarian intentions are primary, and thus right, if and only if the humanitarian intent is sufficient for an intervention. In other words, a set of intentions can be considered right if and only if the removal of all intentions other than the humanitarian ones would not be sufficient to stop a nation or an international institution from intervening. To say that intentions are right only when humanitarian intent is primary or sufficient does not preclude the presence of other intentions. On the contrary, given historical evidence, it is reasonable to expect mixed intentions in any military intervention.<sup>12</sup>

It should also be said that intentions are not simply relevant because they are a necessary condition for *jus ad bellum*, but also because they are our only way of approximating how a war will be fought.<sup>13</sup> If the intentions of the intervener are primarily humanitarian, then it is reasonable to expect that war will be fought with respect for human life and that when moral or strategic dilemmas arise that the preservation of human life and the alleviation of suffering will play a crucial role in decision making. Similarly, if the primary intentions of the intervener are self-serving, then it is reasonable to expect that the way the war is fought will reflect that, and that when one is presented with moral or strategic dilemmas, that the decisions will be made with self-interest in mind. These two, self-serving and humanitarian intentions, are not exclusive and it is highly unlikely that we will ever come across an intervention where there are simply humanitarian or simply self-serving intentions. However, empirically speaking, we have more reasons to think that humanitarian intent would yield wanted results and that self-serving reasons would not. It seems then that there are both theoretical and practical reasons for insisting on the primacy (or sufficiency) of humanitarian intent.

## **2. Permissibility Implies Obligation**

With, hopefully, a clearer picture of when a nation or an institution might be permitted to intervene according to the just war framework, we can now try to understand the claim that permissibility necessitates obligation in the context of humanitarian military interventions. If a nation is permitted to intervene, then the conditions above have been met. Consider, then, a situation where all conditions other than right intentions have been met. To claim, at that point, that a nation has an obligation to intervene can be understood in the following way: If all of the conditions other than right intentions have been met (and a nation has not been excluded because of prior unjust interventions), then the intervention is a minimally decent action for any state which purports to be just. Acknowledging that an action is minimally decent constitutes the acknowledgement that it is obligatory. If a nation then meets all the conditions of just war, but lacks right intentions, we can and should question its commitment to justice. But, since no state that is not just could be permitted to intervene in the first place, then it follows that all those states that are permitted to intervene, are also obligated.<sup>14</sup>

To show this I first argue that an intervention is a minimally decent action whenever it is permissible. Secondly, I explain what it means to say that minimally decent actions are morally obligatory. Thirdly, I argue that performing minimally decent actions is necessary for one to claim a status of a just state. So, any reasonably just state and any reasonably legitimate government which meets all the conditions of *jus ad bellum* other than right intentions will have an obligation to intervene. The acknowledgement of this obligation constitutes right intentions (if they weren't already present). The obligation arises *in part* from an implicit or sometimes (although rarely) explicit demand of its own citizens. This demand should not be understood as a direct request for an intervention, but as a requirement that the government of one's nation be minimally decent.

Let's, then, first take a look at this notion of minimal decency. Here, I start from Judith Jarvis Thompson's account of a distinction between a Good Samaritan and a Minimally Decent Samaritan.<sup>15</sup> The story she uses to draw the distinction between these two tells of 'Kitty Genovese, who, as you will remember, was murdered while thirty-eight people watched or listened, and did nothing to help her.'<sup>16</sup> Thompson argues that a Good Samaritan would have performed a supererogatory action of intervening, even if this meant endangering her own safety, while a Minimally Decent Samaritan would have at least performed the minimally decent action of picking up the phone and calling for help. She rightly terms the fact that no one did anything as monstrous. But, in the international arena; in the world made up of separate nations, there is no one to call, no policemen. Yet, this doesn't mean that there are no minimally decent actions available.

Reconsider the example of Kitty Genovese: if there were no phones for miles, what actions would be required for one to be minimally decent? This seems to depend largely on the situation at hand and the abilities of the individual. A five year old boy or an arthritic senior citizen might not be required to do as much as a bouncer who happened to have a stun gun.<sup>17</sup> As the level of danger to oneself and the chance of success change, so does the span of actions required for minimal decency. I do not mean to imply here that if the chance of success is only 20% and there is no danger to oneself that one should not intervene. These two, i.e. the danger to oneself and the chance of success, are in a certain sense interdependent, and it seems intuitive to say that if danger to oneself is low or none, then a lower chance of success is sufficient to make an action minimally decent. Similarly, if danger to oneself is extremely high, even high chance of success might not be sufficient to make an action minimally decent, at least for an individual. This interdependence of danger to self and chance of success will become exceedingly relevant later on.

Further, minimally decent actions do not simply depend on the situation at hand (or the cause) and the abilities of the intervener (or their chance of success), but they also do depend on the intentions of an intervener. Imagine if one was to intervene only for the purpose of then raping the victim. I hope no argument needs to be provided here to say that such an 'intervention' would not fit in the category of minimal decency. Certainly there are cases when the question of intentions is more complex, but the key point here is that an action being minimally decent depends on the cause (situation), the reasonable chance of success (i.e. the ability of the intervener) and right intentions. Similarly, examples can be given to show that minimally decent actions also depend on proportionality, last resort, etc. Regarding the role of proportionality for minimal decency, one can argue that shooting an attacker who has no weapon, while a stun gun is available, does not constitute a minimally decent action.<sup>18</sup>

Note that these conditions that contextualize what constitutes a minimally decent action parallel justice of war conditions. It would seem then, at least intuitively, that a humanitarian intervention is the minimally decent action for those nations or social institutions that meet the conditions of a reasonable chance of success when the just cause condition has also been met. I will elaborate on this claim at a later point. For now, two questions arise out of this claim. First, does the notion of minimal decency encompass the notion of moral obligation, i.e. in what sense is a minimally decent action obligatory? And second, can we claim that the idea of minimal decency applies to governments in the same way it applies to individuals?

I believe that these two questions regarding the relationship of minimal decency and moral obligation (for individuals and governments) can be answered, or at a minimum better understood, by looking at a distinction between positive and negative duties.<sup>19</sup> In terms of basic human rights, the idea of a negative duty might be understood as the duty not to kill, maim, injure, torture, rape, etc. Negative duties require that we refrain from certain actions and they are, in general, not context-dependent. Those sorts of things that one must not do are, by and large, constant. We usually claim that governments have negative duties towards both its own citizens and towards other nations. Negative duties of governments towards other nations and the citizens of other nations arise from a certain respect for both human rights and sovereignty. But, as discussed above, sovereignty is itself, at least in part, an instrument for protection of basic human rights. It follows then that negative duties of governments towards other nations gain their imperative from the normative standing of basic human rights. In times of peace, the minimal condition this feature (respect for basic human rights) imposes is the request for nations and individuals not to intentionally deny these rights to others.

In contrast, positive duties are the sorts of duties that require action. Governments are not always seen as having positive duties towards other nations, and acts of charity or intervention are often seen as supererogatory rather than obligatory. Positive duties are, relatively speaking, more context-dependent than negative duties. When there is an obligation to act, it is usually partly, if not fully, dependent on the situation at hand. For example, if we consider the duty of charity, clearly one need not give charity all the time and to all people. This at a minimum would be practically impossible, but more importantly, when we say that there is a duty of charity, what we mean is that one ought to, within *particular circumstances*, aid fellow human beings. This is exactly what is meant by the claim that positive duties are context dependent.

Now, the concept of minimal decency allows us to move from an idea of a negative duty to the idea of a positive duty, by bringing out the sources of a negative duty to the forefront. It (the concept of minimal decency) can be understood as a tool that allows us to point to the inconsistency between the following two claims: 'we must never intentionally harm' and 'we don't have an obligation to do anything when others are being harmed even if we can'. So the notion of minimal decency allows one to identify the moral reasons (or rights) that give rise to the negative duties (which are constant and unyielding), and affirm that these moral reasons have sufficient strength to give rise to a positive duty of action, within *a specific context*.

To clarify, I am not arguing here that sources of positive and negative duties are separate, just the opposite: concepts like the respect for human life can and do give rise to both. However, since positive duties are context-dependent and context-sensitive, they are not as easily identified and context-situated. In other words, there is much

more leniency regarding when and how an agent must discharge a positive duty. This is where the idea of minimally decent actions can aid, conceptually, by pointing to:

- i. a specific set of moral reasons behind some negative duty (e.g. ‘do not kill,’ or ‘respect human rights,’ etc.) and
- ii. a specific context where those moral reasons can be reasons for action.

To say then that an action is minimally decent is to assert that the sources of negative duties have, *in a particular context*, given rise to moral reasons for action, and furthermore that the obligatory character of negative duties has been passed on to these actions, since the reasons for action arise from the same sources (and arise in an appropriate context).

The question that still stands then is: what are these ‘contexts’ in which sources of negative duties can also be moral reasons for action, namely for an intervention? Based on our earlier discussion of the conditions for minimal decency, it appears like we have good reasons to say that these ‘contexts’ are those situations that meet the conditions of *jus ad bellum* for humanitarian military interventions. We have argued that minimally decent actions depend on circumstances (or just cause), reasonable chance of success, right intentions, proportionality and last resort. This is parallel to the conditions of *jus ad bellum*. Since in addition, we clearly accept the claim ‘we ought not to kill civilians in other countries’ as non-controversial, it appears that an intervention which meets the conditions of just cause, last resort and proportionality is a minimally decent action for those interveners that meet the conditions of reasonable chance of success and lawful authority. In other words, if all just war conditions have been met, then an intervention is a minimally decent action and is obligatory.

The fitting of minimal decency in the space between negative and positive duties is intuitive in the realm of individual relations. But, if it is the case that the notion of minimal decency is a sort of a bridge between these (negative and positive) conceptions of duties, and if it is the case that governments can have both positive and negative duties, then there should be nothing mysterious about claiming that the concept of minimal decency applies to governments or nations in a similar way that it applies to individuals.

It is important to acknowledge one apparent difference between conditions for minimal decency and the conditions for justice of war as they are laid out here, and that is the role of *danger to oneself*.<sup>20</sup> The notion of danger to oneself doesn’t seem to be explicitly mentioned among the conditions for a just war, yet seems quite relevant when it comes to conditions that shape what counts as a minimally decent action for an individual. However, the reason this concern about danger to the intervener is not mentioned explicitly is because the role of the notion of danger to oneself in calculations of minimal decency can be captured by an appeal to the condition of reasonable chance of success. If you recall, the role of danger to self in calculations of minimal decency was spelled out by an appeal to the tools and abilities of an intervener. For example, it seemed that a minimally decent action for a bouncer (one with some relevant training) with a stun gun (one with appropriate tools) was conditioned exactly by the fact that she had previous training and availability of tools. Appropriate training and tools not only increase one’s chances of success, but also minimize the chances that the intervener will be harmed. There is then a clear interdependence between reasonable chance of success and danger to self. In the case of a military intervention we are talking about trained soldiers with appropriate tools and strategies. If a military didn’t have appropriate tools or strategies, then such a military wouldn’t have a

reasonable chance of success and as such would be precluded from intervening. Furthermore, to be able to say that there is a reasonable chance of success we have to assume that the intervener can alter the conditions on the ground without thereby losing some unreasonable number of soldiers. In other words, due to the interdependence of danger to self and chance of success it is not possible to say that all the conditions of justice of war have been met, but that the expected loss of life of soldiers of the intervening nation, i.e. the danger to self could invalidate the obligation to intervene.

There are two further objections to my claims above, which are often invoked, so it might be appropriate to address them here.<sup>21</sup> First, one might argue that it is one thing to make sure your own actions do not include killing innocents and another thing to be a 'policemen' and prevent others from killing innocents. I take it that my argument here is exactly meant to dispel this objection. I argue above that it is inconsistent to simultaneously claim that there are negative duties when it comes to human life, but that the concomitant positive duties (at least when it comes to humanitarian military interventions) are not binding. Furthermore, when it comes to humanitarian military interventions, any distinctions between these (positive and negative duties), I argue, are not based on morally relevant grounds. Finally, I argued that it is possible to spell out this move from negative to positive duties by appealing to the notion of minimal decency.

Second, one might object by asserting that there is a morally relevant difference between rescuing someone with little to no risk to oneself and using (lethal) force against (bad) people in order to rescue innocent parties.<sup>22</sup> There seem to be two concerns here: on one hand there is a concern about danger to self, and on the other hand there is a concern about an obligation to use (lethal) force. The first concern has already been addressed above. Regarding the second concern, there seems to be something odd about saying that human life has so much worth that one can breach sovereignty when innocents are dying, but that on the other hand there is no requirement to do so. If there is an objection of such sort then it, at best, can support the claim that humanitarian military interventions are never permitted. However, this objection cannot and does not break the relationship between permissibility and obligation, for which I am arguing here.<sup>23</sup>

### **3. Final Remarks**

There is another way to lay out this relationship between permissibility and obligation in the realm of humanitarian military interventions, namely, by appealing to what it means to have right intentions. Consider what it means for a government or an international institution to feel that they are permitted to intervene. It means they acknowledge that the circumstances within a nation or a region are so atrocious that breaching sovereignty of such a nation is permitted. Let us then assume that there is a threshold that can give rise to some sort of moral outrage sufficient for one nation or its government to feel entitled to breach sovereignty of another nation. Further assume that according to the justice of war conditions such a nation is permitted to intervene. If the humanitarian intent must be primary (for permissibility), then that means that humanitarian intent must be sufficient to give rise to an intervention. This means that to have right intentions, a nation must acknowledge that it is morally required of them to intervene. And this is because it is impossible to believe that a nation's moral outrage is genuine if such a nation doesn't (if able and permitted to intervene) intervene. Furthermore, if the moral outrage is not

genuine, then clearly it is not going to be sufficient to give rise to an intervention, in which case the nation would not have been permitted to intervene in the first place.

This obligation is not simply some abstract result of theorizing about humanitarian crises. It is also *partly* (and only partly) extended to each government by its own citizens.<sup>24</sup> It is a sort of an implicit demand that should be met for a government to be legitimate. It arises from a government rightly reasoning that its citizens would require, if asked, minimal decency of its government. And in the case of a humanitarian crisis (which meets the above conditions) intervention *is* the minimally decent action.

There are also pragmatic reasons for a just state to respond to the implicit request of their citizens to be minimally decent — the way a government appears to its citizens can be a relevant factor for compliance of the citizens to the laws and rules that the government puts forth. The drive to appear decent to its own citizens was obvious during the Rwandan crisis. The deliberate avoidance of the term ‘genocide’ with regards to Rwanda was an official US policy at the time.<sup>25</sup> The reason was clear: if the crisis was termed genocide, then the requirement of citizens, towards their nation, to be minimally decent would have in turn obligated US government to intervene. But, of course, no democratic country would be functional if all demands of the citizens were met. This is exactly why one might require a government, to act in the name of the citizens, but not to respond to each individual demand. Thus, there must be a way to differentiate between those demands of the citizens which need to be met at all times for a government to be legitimate, and those that need not be. I believe that the government need not inquire of its citizens whether or not they would prefer to have their government act as a minimally decent Samaritan. If it is the case that minimally decent actions are commonly understood as morally obligatory (and I have argued here that this is the case) then this demand for minimal decency is the demand for a government to perform those actions that are morally obligatory.

Now, one might argue that this obligation (of intervention) is really extended to the citizens of a country, and that the state is not the appropriate mechanism for such an intervention. However, what makes a certain action minimally decent for an individual depends in part on her capacities. Analogously, nations that do not have a military are not required to intervene. However, states (and international institutions) are the only entities able to intervene, and the property of having a military makes them appropriate.

Ultimately, in times of humanitarian crisis, there are entities for which minimally decent actions are available and those are our governments. In the cases of severe humanitarian crises, when all other options have been exhausted and all conditions of *jus ad bellum* have been met, any legitimate and just government is not only permitted to intervene, but also obligated. When in 1994, eight hundred thousand civilians were massacred in Rwanda at a rate of twelve thousand a day, and the world stood by and watched, all of our governments acted as those thirty-eight on the day Kitty Genovese died.

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## NOTES

- 1 E. Hemingway, 'Introduction' in B. Raeburn (ed.) *Treasury for the Free World* (New York: Arco Publishing Company, 1946).
- 2 M. Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977).
- 3 I take it that just war theory is the appropriate context for the discussion of humanitarian military interventions (HMIs) and that it would be difficult to truly understand HMIs in some other context since they (HMIs) are really an offspring of just war theory. With that said, I will not argue for this claim here, and if one does not accept that just war theory is necessarily the most appropriate foundation for the discussion of the permissibility of HMIs, then one can take my argument (regarding the obligatory character of permissible interventions) as valid only within just war framework.
- 4 By this, I mean to include the notions of just cause, lawful authority, reasonable chance of success, right intentions, proportionality and last resort, as conditions imposed on justice of war.
- 5 Of course, what I mean here is that it is obligatory for those for whom it is permissible.
- 6 Here I am trying to stress something that is quite obvious, namely that the logical equivalent of 'if HMIs are permissible, then they are obligatory' is 'if HMIs are not obligatory, then they are not permissible'. However, in spite of this, my argument for this (if permissible, then obligatory) conditional is often misconstrued as some sort of a call for incessant interventions. Instead, my argument is in many ways contrary to calls for incessant interventions, and actually limits the cases when a country can intervene.
- 7 Walzer op. cit., p. 90.
- 8 I am not trying to preclude other circumstances that might reasonably lead to calls for humanitarian interventions. I am simply trying to make the most minimal claim about when they could be permissible.
- 9 N. Machiavelli, *The Prince*, ed. R. M. Adams (New York, W. W. Norton & Company, Inc., 1977), p. 50. My emphasis.
- 10 Walzer op. cit., p. 62.
- 11 I take it that one might still argue that in a case of anarchy, even according to this view, an intervention might be justifiable. However, given my definition of HMIs, I take it that intervening in a region with no sovereignty is a whole different issue.
- 12 One might object, here, by pointing to the fact that the assumption of permissibility of humanitarian interventions does not lead necessarily to the claim that sovereignty is to be understood as instrumental. However, in this section, all I am attempting to do is explain what it *would mean* to say that humanitarian military interventions are permissible. Furthermore, it does seem that any picture of sovereignty that is compatible with the claim that humanitarian interventions are permissible is going to lead to the claim that humanitarian intent must be primary and sufficient. This is, in part, because it would be odd to say that we are even talking about humanitarian military interventions if a nation was intervening so as to occupy the country in crisis or so as to exploit its natural resources.
- 13 Or they (intentions) are at least, and certainly, the 'best' way to approximate how the war will be fought.
- 14 There are two points I want to make now: First, we ought to, at this point, clarify what is meant by 'just state.' For our purposes here, let's assume that a just state is a state in which human rights are respected and that in such a state the two Rawlsian principles of justice are met to some reasonable degree. For more on this see, J. Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001). Second, it should also be mentioned that this statement might give rise to some concerns regarding the coordination of efforts among those states that are permitted and obligated to intervene. Although this is a relevant point, I do not have the space here to give it a fair analysis.
- 15 Although I am using J. J. Thompson's terminology and start from one of her examples, I want to make it clear that I do not further address or intend to address her argument, nor do I think that she would wholeheartedly agree with my conclusions. See J. J. Thompson, 'A defense of abortion', *Philosophy and Public Affairs* 1 (1971): 47–66. I ought to also mention that there has been some controversy regarding what actually happened in the case of Kitty Genovese, but for the purposes of my paper, all we need is to imagine a case like the one I describe here.

- 16 Thompson op. cit., p. 62.
- 17 The case for action might only be stronger when we are speaking of thousands of people being massacred on the one hand and a trained set of soldiers on the other.
- 18 The idea of a proportional reaction in self-defense cases is quite well developed in most state laws and could be helpful when trying to think about permissibility of interventions. Similar examples can be developed so as to show that a minimally decent action also depends on whether or not it is an action of last resort, etc.
- 19 I want to acknowledge that in terms of basic human rights drawing a sharp distinction between negative and positive rights might be misleading. Henry Shue notes in his *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy* that when it comes to basic human rights and the attendant duties we might gain in discussion by recognizing that the protection of rights that are commonly understood as negative might at times require action. For example, the negative right 'to physical security necessitates police forces; criminal courts, [etc.]' (p. 37). With that said, in what follows I do start by making a rather sharp and somewhat rough distinction between negative and positive duties for the following reason: I believe that at least in the context of humanitarian military interventions and interactions between states, starting from this rough distinction can actually help us explain exactly why and under which circumstances do rights, which we commonly see as negative, require action. For more on this issue, see H. Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, 2nd edn. (Princeton, NJ: Princeton University Press, 1996).
- 20 One might consider this to be grounds for an objection to my claim that conditions for minimal decency parallel conditions for justice of war.
- 21 I do not attempt an exhaustive treatment of these objections here, since I hold that my argument does implicitly address both. So, all that I do intend to do here is to make that more explicit.
- 22 I want to thank Don E. Scheid for his comments at the Minnesota Philosophical Society meeting in 2006, which addressed these objections.
- 23 Given that my conclusion is a conditional, the claim that an intervention might not be permissible doesn't falsify my conditional, at worse it makes it less relevant. However, and more importantly, my argument here is presented within just war framework which does, at least theoretically, imply that HMIs can be permissible.
- 24 I do not intend to fully address the claim that a government is not just if it doesn't intervene when it is permitted, but I do wish to discuss it to some extent, so what follows is a series of remarks that might be further developed in a different paper. I think that the argument for the obligatory character of permissible HMIs can stand on its own feet at this point, yet the reason I address the 'justness' of governments that fail to intervene when they are permitted is to illustrate my point further.
- 25 The Clinton Administration's Policy on Reforming Multilateral Peace Operations, *Presidential Decision Directive 25*, May 3, 1994. The US policy towards interventions, at this point largely inspired by the tragedy in Somalia, was simply: not to intervene. Presidential Decision Directive 25 (PDD-25) listed so many conditions for an intervention that genocide as sickening as the one taking place in Rwanda did not fit the framework. PDD-25 most clearly and openly presented the US policy towards interventions of any kind, including humanitarian interventions. It is impossible at the same time to accept the guidance of US policies by PDD-25 and any formulation of right intentions spelled out here. PDD-25 required that US would only participate in interventions that advanced US interests. For further discussion, see S. Powers, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002).