

Debate: Taking Human Rights Seriously*

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THE two core values of international political philosophy are state sovereignty and human rights. Traditionally, of course, the former has dominated: we have hoped that each state will conscientiously protect its constituents' rights, but we have been reluctant to intervene in a country's internal affairs even when it fails spectacularly in this task. Recently, however, our priorities have shifted. We now take human rights more seriously and are correspondingly less deferential to state sovereignty, so a central question of contemporary international ethics is how to adjudicate the tension between state sovereignty and human rights. In this article I argue that, if we take human rights as seriously as we should, then even a legitimate state has no principled objection to outsiders' intervening in its internal affairs if this interference will prevent just a single human rights violation. I defend this stark view by, among other things, showing that it (surprisingly) leaves adequate room for state sovereignty.

I. ADJUDICATING THE TENSION BETWEEN STATE SOVEREIGNTY AND HUMAN RIGHTS

I understand state sovereignty to be a country's moral dominion over its self-regarding affairs—a right of self-determination which includes a claim against external intervention. I conceive of human rights as a subset of individual moral rights which are distinguished by their connection to human needs. More specifically, human rights are the protections generally needed against the standard and direct threats to leading a minimally decent human life in modern society. Defined in these terms, it is not difficult to see why these two may come into conflict: if left to their own devices, states are often unable or unwilling to protect their constituents' rights. Indeed, in many cases, the state itself is the primary threat to its citizens leading minimally decent human lives. Thus arises the central question of international political theory: must we respect a state's

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sovereignty when we reasonably believe that our unsolicited intervention will successfully avert human rights violations?

Answers to this question are hotly contested, but there is at least an emerging consensus that human rights should prevail over the claims of an *illegitimate* state. Following Charles Beitz's seminal discussion of state autonomy, the dominant position is that, if interfering with an illegitimate regime will enable us to prevent human rights abuses, then this regime has no right that we not do so.¹ The autonomy of legitimate states, however, is much more controversial. Some are skeptical of all rights to political self-determination, but most theorists seem to believe that all and only legitimate states are entitled to sovereign rights. With this in mind, it is worth saying a bit about what makes a state legitimate.

Traditionally, legitimacy has been explained in transactional terms. In particular, a state was thought to be legitimate just in case it had garnered the morally valid consent of all those in its territorial jurisdiction. Since the publication of John Simmons's *Moral Principles and Political Obligations*, however, far fewer theorists are attracted to this type of approach.² In the wake of Simmons's telling critique of transactional accounts, most now believe that states must be functionally justified. That is to say, rather than focus on whether a certain transactional history obtains between a state and its citizens (or among the citizens themselves), many now think that states are legitimate just in case they perform the requisite political functions. But what are the legitimating functions? Here, as elsewhere, various answers are proffered, but the most popular is justice: the chief function of a state is to secure justice over its territory. Concerns of justice can be cashed out in a number of currencies, but most are now drawn to the language of human rights, and if one goes this route, then one believes that the legitimating function of states is to protect human rights.³

It is worth noting that the move from transactional to functional accounts of legitimacy seems to call for a corresponding lowering of the bar from a requirement of perfection to a threshold demand for mere competence. If a given transaction like consent is thought to be necessary, for instance, then presumably the consent of each and every subject is required. After all, the fact that my neighbor, Jeannette, has consented to the state's imposition might well justify its coercing her, but presumably Jeannette's consent does nothing to justify the state's coercing me. Thus, theorists who subscribe to transactional accounts typically insist that the state would be legitimate only if the relevant transaction had occurred between it and each one of its citizens. With functional approaches, on the other hand, there seems less reason to assume that a state can be legitimate

¹Charles Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979).

²A. John Simmons, *Moral Principles and Political Obligations* (Princeton, NJ: Princeton University Press, 1979).

³Strictly speaking, human rights are only a proper subset of justice. But while an ideally just state will do more than merely secure human rights, a state can be legitimate without being ideally just.

only if it performs the requisite functions perfectly; on the contrary, mere *satisfactory* performance would seem to suffice. To see this, consider other functionally-justified rights like driving or parenting. Because it would be horribly dangerous if there were no restrictions on who may drive, states routinely test the driving skills of potential drivers. But notice: mere competence is all that is required; no one demands that someone be a perfect driver. It is the same with parental dominion. We would not stand by and let parents abuse or neglect their children, but as long as parents are not excessively malicious or incompetent, we typically give them a great deal of discretion as to how to raise their children. Even if a third party could do a better job raising my children than I, for instance, we insist that this person must not interfere as long as I am doing a satisfactory job. In other words, parents need not carry out their parental responsibilities perfectly to enjoy a great deal of dominion over their children; they need achieve only a certain threshold of competence.

It should come as no surprise, then, that we reason similarly when it comes to political legitimacy. That is, rather than insist that a state can be legitimate only if it performs the requisite political functions perfectly, it seems more appropriate to demand merely that it do an adequate job. If the requisite political function is thought to be protecting human rights, for instance, it seems unreasonable to insist that a state cannot be legitimate unless it ensures that none of its constituents ever has her human rights violated. Such a high standard is not realistically achievable in this world, so it seems more natural to specify that a state can qualify as legitimate just in case it does a satisfactory job of protecting the rights of everyone within its jurisdiction. Clearly there is room for reasonable people to disagree about where precisely to draw the threshold for adequacy, but as in other contexts, uncertainty about the exact location of the line does not preclude us from confidently judging clear cases on either side of this line. Even if there is room for reasonable people to disagree about whether Saudi Arabia or Cuba are legitimate countries, for instance, it seems clear that the Norwegian government does a satisfactory job protecting the human rights of its citizens, whereas Somalia does not.

In sum, many are attracted to an account of sovereignty which contends that all and only legitimate states are entitled to self-determination, where a state is legitimate just in case it satisfactorily protects the human rights of its constituents and respects the rights of all others.⁴ To appreciate what this view suggests regarding the tension between sovereignty and human rights, imagine how it would instruct the Swedish government to reason regarding the permissibility of

⁴I have defended this understanding of sovereignty in a recent book coauthored with Andrew Altman, *A Liberal Theory of International Justice* (Oxford: Oxford University Press, 2009). My thinking on these matters owes a great deal to my previous collaboration with Altman, but the ideas advanced here depart substantially from the positions he and I have jointly defended, so readers should not presume that Altman necessarily agrees with any of the following arguments and/or conclusions.

intervening into the domestic affairs of foreign countries like Somalia or Norway.⁵ Regarding Somalia, there are obviously a number of important concerns about possible negative consequences of their intervening. These consequential considerations are paramount, because if Sweden could do more good than harm, its intervention would not be ruled out as a matter of principle by Somalia's right to self-determination. In Norway's case, however, state sovereignty plays a crucial role. In particular, even if Sweden were able to prevent a human-rights violation on Norwegian soil, the permissibility of Sweden's unilateral intervention would be ruled out as a matter of principle by Norway's right to dominion over its self-regarding affairs. To emphasize: not all *de facto* states are entitled to sovereign control over their domestic affairs, but all legitimate ones are, and this explains why states like Norway have a right against external interference, even in cases where other states and/or international bodies could do more good than harm.

II. AN OBJECTION

Against this account of state sovereignty, one might object that if we really took human rights seriously—as seriously as we ought to—then we should not hesitate to intervene in a legitimate state's internal affairs if doing so would enable us to prevent even one human rights violation. Imagine, for instance, that there is a single person being tortured in Norway who can be helped only by the Swedish government. And suppose that the Norwegian government refuses the Swedish regime's offer to help. Is it really so implausible to suppose that the Swedish government should help anyway? Whatever one thinks of this particular example, this objection stresses that human rights have a certain degree of urgency—an urgency which explains why their protection should take precedence over our more general concern to respect the sovereignty of legitimate states. Thus, as much as we might like to avoid disrespecting the sovereignty of foreign states, the connection between human rights and living a minimally decent human life entails that even a single human rights violation can be sufficiently important to outweigh a legitimate state's claim to self-determination.⁶

If this objection is on target, however, then much about the intuitively attractive account of state sovereignty outlined above would be lost. Not only

⁵A number of authors have suggested that Rawls settles on an objectionably truncated list of human rights only because he wrongly links human rights solely to a state's claim against external interference. Against this backdrop, let me emphasize that, in suggesting that human rights can be helpful in determining when a state has a claim against external interference, I do not mean to suggest that human rights discourse cannot play other roles as well.

⁶It is important to bear in mind that interventions can come in various shapes and sizes. For the purposes of this article, though, I shall understand an intervention as any exercise of coercion within a state's jurisdiction without that state's morally valid consent. Note also that I presume that an intervention would not be justified unless it met suitable proportionality and last resort conditions.

would the comparison between functionally justified rights be rendered inapt, the importance of state legitimacy would be radically deflated. Consider, for instance, how this objection threatens the analogy between political and parental dominion. If it would be permissible to interfere with even legitimate states when doing so is necessary to avert human rights violations, then unlike parents (who retain their parental dominion as long as they satisfactorily perform their parental responsibilities), states would lack a right against external intervention *even if they were satisfactorily performing their requisite political functions*. To see the significance of this result, reconsider how Sweden should reason about the permissibility of intervening in Norway versus intervening in Somalia. Because Somalia is not satisfactorily protecting the human rights of its constituents, the permissibility of Sweden's interfering in Somalia depends upon whether its intervention would do more good than harm. Thus, while it might well be impermissible for Sweden to intervene, it would not be because Somalia's political regime has a moral claim against external interference. In Norway's case, however, it is tempting to think that the consequential reasoning is at best redundant: we don't need to crunch the numbers because Norway's right to self-determination antecedently rules out intervention as a matter of principle. If we take human rights as seriously as this objection suggests we should, however, all that goes out the window. Put plainly, even paradigmatically legitimate states like Norway could not necessarily rightfully object to outsiders interfering in order to protect the human rights of Norwegians.

Given the changes it would seem to require, one would obviously like to avoid the implications of this objection. There are three potential avenues for doing so. One can: (1) insist that perfection, not mere competence, is necessary for state legitimacy; or (2) deny that legitimacy entitles a state to political self-determination; or (3) deny that human rights should be taken as seriously as this objector recommends. I fear, however, that none of these strategies is ultimately viable. Consider each in turn.

The first strategy would be to insist that only states which perfectly perform the requisite political functions are legitimate. According to this approach, there is nothing problematic about concluding that Sweden may interfere in Norway in order to avert a single human rights violation because, if there is a Norwegian whose human right is being violated, then Norway is not performing the requisite political function of protecting its constituents' human rights. It is therefore not a legitimate state and thus is not morally entitled to sovereign rights. This is certainly a logically consistent position, but it strikes me as implausible to insist that no state can be legitimate unless it performs its job perfectly. Given that it is practically impossible for a large bureaucratic state to meet such a lofty standard, political legitimacy would not be relevant to the real world. What is more, setting such a high standard in the political context produces awkward conclusions for other functionally-justified rights. Consider parental dominion, for instance. Are we similarly to insist that only perfect parents are entitled to dominion over their

children? If so, this, too, seems like a *reductio*; and if not, then the stipulation that we require perfection in only the political sphere appears *ad hoc*.

The second potential option would be to de-couple state legitimacy from sovereign rights. On this approach, retaining our conviction that Norway is a legitimate state would create no problems for our conclusion that Sweden may nonetheless permissibly interfere in Norway, because Norway's legitimacy does not entitle it to any type of political self-determination. But while divorcing political legitimacy from sovereign rights nicely resolves the problem in this case, it appears unpalatable for other reasons. First and most obviously, given that parents seem entitled to their parental dominion just in case they satisfactorily perform their parental responsibilities and drivers seem entitled to drive as long as they are able and willing to drive safely, it would be at best curious to insist that legitimate states are not entitled to political dominion even though they adequately perform the requisite political functions. What is more, if legitimate states have no claim to political self-determination, then not only may Sweden intervene if necessary to avert a given human rights violation, there also would be no principled reason against its forcibly annexing Norway. Or if the European Union sought to incorporate Norway as a full member, for instance, it would not need Norway's permission to do so. But these actions seem seriously unjust. Presumably Norway has a right to its independence from Sweden and the European Union—an independence which entails that it may not be unilaterally annexed. Of course, affirming this independence is just to endorse its sovereign rights, so we cannot de-couple political self-determination from state legitimacy without opening the door to obviously unpalatable conclusions.

Given the failure of these first two options, it is tempting to take the easy and straightforward way out by simply taking human rights less seriously. Despite this temptation, I think we should not retreat from the admittedly stark view that even a single human rights violation provides us with sufficient cause to intervene in an unquestionably legitimate state. To see why, consider the following scenario. Imagine that I live in a state which performs the requisite political functions flawlessly. That is to say, it assigns itself all and only the tasks a state may permissibly undertake, and it performs each of them perfectly. With respect to the criminal law, for instance, it criminalizes all and only that conduct which a state may justifiably prohibit, it punishes duly convicted criminals no more or less than is appropriate, and it has yet to wrongly convict a single innocent person. In short, this state does not merely *satisfactorily* perform the requisite functions, it does so *perfectly*. This all changed yesterday, however, when I was wrongly convicted of kidnapping, torturing, and then killing two young boys. Suppose, however, that, while I am entirely innocent and therefore was wrongly convicted, the state was in no way culpable in arriving at this judgment. That is, all of my procedural rights were fully respected, and the police, prosecutors, judge, and jury all acted as they

should have in arresting me, prosecuting me, and finding me guilty. (To make this somewhat believable, suppose that I was cleverly framed and/or that, because of some freak biological coincidence, my DNA matched that of the actual perpetrator.) Finally, imagine that today is the first day of my twenty year prison sentence.

Given these circumstances, it seems to me that I do not have a duty to remain in jail. If I had the Ring of Gyges and could make myself invisible, for instance, I believe that I may permissibly use it to escape. What is more, I believe that my escape would not merely be morally excused; it would be entirely justified. And notice: in saying this, I do not necessarily deny that the jailors would be justified in trying to prevent my escape, nor do I deny that we generally have duties to obey the just laws of a legitimate state. The point in this case, however, is that my prison sentence is profoundly unjust, and thus my general duty to obey the just laws of a legitimate regime does not apply in this instance.

But now consider this: what if my mother also knew that I was innocent? (Perhaps she was with me during the time when the crimes were committed, and her testimony to that affect was dismissed by the jurors in light of the overwhelming countervailing evidence only because she was suspected of lying in order to protect her beloved son.) Would it be permissible for her to help me escape? What if she had two Rings of Gyges, and she could turn herself invisible, sneak into the jail, give me the second ring, and then help me escape? Is there any reason that she may not do so? I do not see why. After all, if I do indeed act permissibly in escaping, it is hard to see why she should not aid my efforts. But now imagine that my mother is a foreigner who lives in neighboring Sweden. Does this change the moral status of her assistance? Again, it is hard to see why it would. If I am permitted to do some action X, then presumably anyone may assist my performance of X, irrespective of whether or not they are my compatriots. Suppose next that my mother is not merely a garden-variety Swede, but is actually the Prime Minister of Sweden. (Indeed, imagine that she has the two Rings of Gyges devices at her disposal only because they are top-secret espionage devices developed by the Swedish military.) Does her political office somehow necessarily render her action impermissible? Again, it is hard to see why. Finally, imagine that the Prime Minister of Sweden is not in fact my mother. Does that change the permissibility of her assistance? Presumably not. A mother might be *excused* in saving her son from a just punishment when others would not be, but remember: this is a case in which my mother's behavior is justified rather than excused, because the punishment is unjust. Thus, since the permissibility of my mother's assistance relies only upon her knowledge of my innocence rather than her love and concern for me, presumably any Swedish Prime Minister with knowledge of my innocence would be equally permitted to assist me in escaping. But now notice, we have step by step arrived at a situation in which a political leader may permissibly intervene in the execution of a foreign

country's criminal sentence of a person who was duly convicted of a crime which was committed on that country's territory against that country's constituents. In other words, we have an (admittedly idiosyncratic) humanitarian intervention into a legitimate state which is justified by its promise to prevent a single rights violation. And if this is correct, then the third option of denying the relative importance of human rights is no more viable than the first two strategies.

III. A REVISED UNDERSTANDING OF STATE SOVEREIGNTY

To review: given the implausibility of (1) insisting that only perfect states are legitimate; or (2) denying that legitimate states are entitled to self-determination; or (3) treating human rights as insufficiently important to justify interfering with a legitimate state, it appears that one cannot avoid being considerably less deferential to the sovereignty of legitimate states than one would like. On reflection, however, this may not be so problematic. In particular, it is worth noting that this new view: (A) still leaves room for a fairly robust account of state sovereignty; (B) squares better than one might initially suspect with domestic analogues like parental dominion and driving rights; and (C) coheres nicely with what we ought to say about a citizen's obligation to obey the laws of her legitimate state.

The first thing to appreciate is that affirming Sweden's right to intervene in Norway to avert a human rights violation does not require one to deny Norway's sovereign rights in their entirety. This is because sovereignty can be unbundled, and the permissibility of one type of intervention does not necessarily entail the permissibility of any—let alone all—others. The plausibility of disaggregating sovereignty can be gleaned from the forfeiture of individual rights. Consider, for instance, how differently we would respond to two mothers, Joanne and Rita, if Joanne was a safe driver but an abusive mother, while Rita was a reckless driver but an exemplary mother. Assuming that Joanne mistreated her children badly enough, we might well be justified in forcibly taking them from her, but her poor parenting would give us no cause to suspend her driver's license. Similarly, if Rita drove recklessly enough, we could permissibly revoke her driver's license, but we would not thereby also be entitled to take away her children. And if individuals like Joanne or Rita can forfeit restricted spheres of their personal dominion without losing all of their rights, presumably legitimate countries might also forfeit portions of their political sovereignty without necessarily losing it all. If so, then our recognition that Norway may be in no position to object if Sweden engages in a precise, targeted operation to avert a single human rights violation does not commit us to the implausible conclusion that Norway has no right against being either forcibly annexed by Sweden or fully incorporated by the European Union. Depending upon the specific circumstances, different countries may be morally liable to various sorts of interventions, but one very general claim

seems true: legitimate states will retain sovereignty over all matters unrelated to the protection of human rights. Even if Sweden could permissibly enter Norway's territory to rescue a torture victim, for instance, it would clearly not be permitted to unilaterally close all of Norway's private schools in an attempt to inspire higher levels of civic virtue among Norwegians.

A second reason that revising our understanding of sovereignty in recognition of the urgency of human rights is not nearly as problematic as it might initially appear is that, upon closer inspection, the amended theory of political dominion may actually square *better* with our considered convictions regarding other functionally-justified rights like parenting and driving. To review, part of the impetus for claiming that legitimate states like Norway enjoy a wholesale right against nonconsensual intervention is that such a claim was thought to mirror our sense that competent parents should be left alone to raise their children as they see fit. Upon second examination, however, this portrayal of parental dominion may not be fine-grained enough. Let us suppose, for instance, that Donna and I have to date done an exemplary job raising our eleven children. Again, we are obviously not perfect parents, but there is no question that we are more than adequately fulfilling the parental responsibilities necessary to entitle us to parental dominion over our children. It is thus up to us whether to send our children to public or private schools, and others must respect our decisions, even if (as education experts, for instance) they could raise our children better than Donna and I currently do. Despite the fact that we are clearly entitled to dominion over our children, however, no one thinks that others must refrain from interfering if Donna and I were to violate the human rights of our children. Imagine, for example, that after raising ten healthy, happy, and obedient children, our youngest son, Jackson, is driving us crazy. In fact, we are so unnerved by Jackson's disobedience that we decide to torture him. Under these circumstances, presumably no one would cite our overall record of good parenting, infer that we were entitled to parental dominion over our children, and conclude that they were in principle barred from interfering with our extreme disciplinary measures. On the contrary, the natural conclusion seems to be that, while our good record to date entitles us to a broad sphere of dominion over our children, this dominion does not entitle us to violate Jackson's human rights. Thus, while no one may interfere if we make a sub-optimal choice as to where our children attend school, others clearly are at liberty to intervene with our attempt to torture Jackson. (And notice that we reason similarly about driving. No matter how good of a driver I might have been over the course of my life, others would be entitled to forcibly take my keys from me if I were on the verge of driving drunk.) And if this is right, then qualifying our understanding of state sovereignty so as to accommodate the urgency of human rights does not require us to turn our backs on the comparison between political self-determination and other functionally-justified rights; upon reflection, it actually reveals a closer match with our considered convictions in these other areas.

A third source of confirmation for the revised account of state sovereignty is that it mirrors what we should say about the obligation to obey the law. Not everyone believes that there is a duty to obey the law, but those who do typically distinguish between legitimate and illegitimate regimes and allege that we have duties to obey only the commands of the former. I agree that there is no duty to obey the laws of an illegitimate state, but, as I have argued elsewhere, neither do we necessarily have an obligation to obey all of the commands of a legitimate state. On my view, we have a general duty to obey only the *just* laws of a legitimate regime.⁷

Some worry that specifying that we have a duty to obey only the just laws of a legitimate regime amounts to denying that we have content-independent reasons to obey the law. After all, critics opine, if the obligation to obey the law is to do any work, then presumably it must be able to obligate us to do things we would not otherwise be required to do. But if we are obligated to obey only the just laws of a legitimate state, then it is the justice of the commands, rather than the fact that they are required by the state, which generates the duty. This objection misses the mark, however, because it presumes that all acts are either required by justice or prohibited by justice. But this is a false dichotomy, because some acts are neither required nor prohibited; they are simply permissible acts which we are at liberty to do. Thus, those acts that are *required* by justice are a subset of just (i.e., permissible) acts. Given this, insisting that there is no obligation to obey an unjust law is perfectly compatible with there being content-independent reasons to obey the law. A traffic law requiring all drivers to drive on a particular side of the street, for instance, is but one example of a just law which might obligate citizens to do something that they would not otherwise be morally required to do.⁸

In any event, the important point for our purposes here is that the best accounts of our duty to obey the law are relatively fine-grained; rather than insist that one must obey all laws or even all laws of a legitimate regime, they allege more specifically that one has a duty to obey only the just laws of a legitimate state. But notice: this account is parallel to the view of state sovereignty to which we have moved in our attempt to take human rights sufficiently seriously. That is, rather than insist that outsiders must respect the sovereignty of all states, or even

⁷I develop and defend this position in my book (coauthored with A. John Simmons) *For & Against: Is There a Duty to Obey the Law?* (New York: Cambridge University Press, 2005).

⁸This analysis is confirmed by our understanding of promising. Promising is typically regarded as a paradigmatic source of content-independent duties, since we routinely become obligated to do things that we would not otherwise be required to do (like meeting a friend for lunch) once we promise to do so. And notice: it is standard to suppose that promises to perform an injustice are null and void. That is, even if one promises to do X, one cannot have a duty to fulfill this promise if doing X is prohibited. But if our recognition that there is no duty to fulfill unjust promises is perfectly consistent with there being content-independent reasons to keep one's promises, why think that my contention that there is no obligation to obey unjust laws is incompatible with the existence of content-independent reasons to obey the just laws of a legitimate regime?

the self-determination of all legitimate states, we have retreated to the more modest position that outsiders must respect the sovereignty of legitimate states unless interfering in such a state's political self-determination is necessary to avert a human rights violation.

On reflection, this similarity in views should not be the least bit surprising, because political obligation and state sovereignty both concern a state's authority. The only difference is that accounts of political obligation lay out a state's authority over insiders, whereas accounts of political self-determination spell out a regime's authority over outsiders. Given this, it would be odd if our account of sovereignty was *not* reminiscent of our theory of political obligation. Or, put more positively, assuming that we have good reasons to conceive of political obligation as resistant to the injustice of legal commands, we should be encouraged that our account of sovereignty is complicated in just the same ways as our theory of the duty to obey the law.

IV. CONCLUSION

At first blush, it seems counter-intuitive to allege that legitimate states have no right against external intervention when this interference could prevent human rights violations. Among other things, such a conclusion appears to render legitimacy virtually vacuous. Upon closer inspection, however, saying this does not eliminate all respect for state sovereignty. To the contrary, while embracing this conclusion requires us to paint a more detailed and complicated picture of sovereign rights, it ultimately preserves a more defensible sphere of political self-determination which mirrors the best analysis of our duty to obey the law, while also cohering nicely with our considered convictions regarding other functionally-justified rights like parental dominion over one's children. Thus, contrary to initial appearances, one can take seriously the urgency of human rights without leaving oneself with an objectionably anemic account of state sovereignty.

Before closing, it is worth noting some of the interesting implications this thesis would have for a real-world case like the American hostages held in Iran from 1979–1981. In particular, if the US had the means to free these hostages without doing disproportionate harm, then it would have been permitted to do so even if Iran were a legitimate state. What is more, the permissibility of this mission does not depend upon the US seeking to free Americans. The US government might well have had a special *duty* to help its own citizens, but because human rights were being violated, any third party would have been just as entitled as the US to undertake this mission on Iran's territory. Indeed, the US would have equally been at liberty to free the hostages if they had been Iranian victims held by Iranian captors on Iranian soil.

Showcasing this account's implications in this case reveals how radically it departs from the prevailing view on humanitarian intervention, which permits

such interference only in cases of so-called “supreme humanitarian emergency.”⁹ But while it is illuminating to analyze the morality of intervention in various scenarios which resemble actual crises, I would caution against drawing immediate conclusions about the permissibility of any real-world humanitarian interventions from the analysis of this article. Most importantly, in no way do I wish to suggest that military and political leaders should be more cavalier about interfering in the affairs of neighboring states. In particular, we must not lose sight of the crucial fact that leaders like the Swedish Prime Minister almost never have privileged access to facts such as the actual guilt or innocence of duly convicted felons in foreign countries, and, even if they did, they do not have Ring of Gyges-like devices that would enable them to enter and leave foreign countries without any military or political repercussions. Indeed, throughout this article I have repeatedly helped myself to the simplifying assumption that we could know in advance that a given unwelcome incursion into a foreign country could be successfully accomplished without any collateral damage or otherwise deleterious diplomatic side-effects. Without this assumption, we would not have been able to focus on the distinct theoretical question as to whether there might be any principled objections to intervening in a legitimate state. In the real world, though, we often cannot be confident that an intervention into even the most horrifically illegitimate states will ultimately avert more human rights violations than it causes. Think, for instance, of the 2003 US-led incursion into Iraq. Saddam Hussein’s regime was a horribly abusive government which clearly had no claim to sovereignty, but even in this case, I would argue, the intervention failed to satisfy the proportionality requirement. And if real-world interventions into patently illegitimate regimes like Iraq are so often morally impermissible, it seems quite unlikely that there will be many real-world examples of interventions into legitimate countries which are all-things-considered justified. In the end, then, this article’s central thesis is of far greater theoretical than practical significance.

⁹See, for instance, Michael Walzer, *Arguing About War* (Princeton, NJ: Princeton University Press, 2004) and Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000).