Original Article

Humanitarian intervention – What's in a name?

Beate Jahn

Department of International Relations, University of Sussex, Brighton BN1 9SN, UK.

Abstract   Why has the term humanitarian intervention experienced such a meteoric rise into the core of academic as well as public political discourse? An investigation of classical theory shows that the use of force to help citizens of other states has been regularly contemplated and practiced in the past. The concept of humanitarian intervention therefore does not describe new policies; instead it serves to hide the political nature of these policies today and functions as a 'doctrinal advance guard' for a new international order. It is the political conjuncture that requires a new name for old policies and its radical political content that explains the timing, speed and impact of this term.
International Politics (2012) **49**, 36–58. doi:10.1057/ip.2011.32

Introduction

For the last decades the concept of humanitarian intervention has not only captured the political imagination of academics but of political actors and broader publics too. Indeed, in a relatively short space of time, the term has made its way into the very core of the academic discipline of International Relations (as well as other disciplines such as International Law and Political Theory). This is all the more remarkable as the wheels of change in academia tend to grind fairly slowly. Only a few concepts – another recent example being globalization – have managed such a meteoric rise. Similarly remarkable is the fact that the term 'humanitarian intervention' plays as important a role in public political discourse as it does in academia. This sudden prominence of the term humanitarian intervention raises the question: what's in a name? What does this term stand for that accounts for its timing, speed and impact in academic and public discourse?

This question requires historical investigation. The first part of the article therefore shows that at the core of the term humanitarian intervention lies a relationship between the politics and morality – and that different, and at times contradictory, accounts of this relationship can be found in the contemporary debate on humanitarian intervention. Two different theories concerning the historical development of this relationship can be identified. One claims that the theory and practice of humanitarian intervention is made possible by a gradual universalization of moral obligations that has begun to challenge the particularist order of the international political system. The other claims that it is the historical separation of morality and politics in theory – rather than in practice – that has facilitated the rise of the concept of humanitarian intervention. These competing accounts raise the question, in other words, whether the term humanitarian intervention stands for genuinely new policies or for old policies under a new name.

In order to answer this question, the second part of the article turns to the analysis of the reflections of a number of classical authors – notably Francisco de Vitoria, Edmund Burke, Thomas Paine and John Stuart Mill. It shows that classical theorists regularly contemplated the use of force in order to help citizens of other states. Furthermore, the form and content of these reflections was strongly influenced by the possibilities and limits offered within the international context of the time. Thus there is nothing especially novel about the underlying idea of humanitarian intervention. What is new, I suggest, is first its counter-positioning of politics and morality (made necessary by an international system based on the rule of non-intervention) and second the end of the Cold War followed by the fall of the Soviet Union, that dramatically increased the opportunity to undertake such interventions. My argument here is that by denoting a moral exception to what would otherwise be illegal political interventions, the term has not only served to hide the political nature of humanitarian intervention but has also acted as what I term a 'doctrinal advance guard' (Farer, 2003, p. 55) for a new international order in the making.

The Contemporary Debate

According to a widely accepted definition, humanitarian intervention 'is the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied' (Holzgrefe, 2003, p. 18). This, and similar, definitions point to the main function of the term humanitarian intervention: namely to identify an exception to the general

rule of non-intervention at the core of the contemporary international system. What distinguishes humanitarian from other interventions is their moral character: the fact that they are based on the recognition of 'the common humanity that binds us all' (Tesón, 2003, p. 129) and that their aim is to realize universal moral principles in the form of individual human rights. On the basis of this moral universality, the term 'humanitarian intervention' appears to describe an inherently non-partisan and defensible act (Hehir, 2010, p. 12), which is counterposed both to interventions undertaken for partisan reasons (and thus outlawed) and to such fundamental principles of the international political and legal order as sovereignty, which are explicitly designed to pursue and defend the interests of *particular* communities.

The relationship between politics and morality thus lies at the core of the concept of humanitarian intervention, and it is the historical development of this relationship that is variously interpreted as providing the basis for the sudden rise to prominence of the term humanitarian intervention. One interpretation highlights the moral nature of humanitarian intervention and explicitly counterposes it to the norms and institutions of the international political order. This moral character is derived from the recognition of the moral obligation to come to the rescue of people in need – and theoretically supported by the hypothetical case of a drowning child (Wheeler, 2000, p. 49). The resulting obligation comes into conflict with the political and legal regulation of the international order by the norm of sovereignty and the right of non-intervention. Thus, the 'good international citizen must come to the assistance of the victims of institutionalized cruelty' but in this quest has to 'resolve the tension between legalism and progressivism in a new legal order that alters the relationship between order and justice, citizenship and humanity, and sovereignty and human rights' (Linklater, 2000, p. 493). Accordingly, defense of the principle of sovereignty or the right to non-intervention is presented 'as the one doctrine whose origin, design, and effect is to protect established political power and render persons defenseless against the worst forms of human evil' (Tesón, 2003, p. 129). The failure to recognize interventions with humanitarian outcomes as such attests to the 'moral bankruptcy' of those wedded to principles of sovereignty and non-intervention (Wheeler, 2000, p. 296), and of course to the 'immoral' character of the international order based on sovereignty. What is needed, then, is a 'moral transformation' that makes governments in the West see that humanitarian intervention 'is both morally permitted and morally required' (Wheeler, 2000, p. 310). Respect for, and defense of, human rights through the legalization and practice of humanitarian intervention is thus equated with morality and counterposed to the political and legal principles of sovereignty and non-intervention as standing for particularist interests and hence immoral.

This tension between morality and politics, which lies at the core of calls for the institutionalization of humanitarian intervention, is seen as the result of historical development. Thus, 'non-interventionism is a doctrine of the past' (Tesón, 2003, p. 128) based on an 'insistence on sharp and morally decisive distinctions between citizens and aliens' (Linklater, 2000, p. 483). Historically, justice was considered an 'internal norm' and force an 'external rule' – 'with acts of generosity toward the foreigner embodying an exception' (Elshtain, 2003, p. 64). In addition, it is sometimes argued that 'violent conflicts', 'acts of genocide' and 'crimes against humanity' were in the past 'considered normal' (Müllerson, 2009, p. 136). These arguments assume, then, either a lack of humanitarian sensitivity in the past and/or the limitation of moral obligations to the boundaries of particular political institutions like the state.

The moral universalism embodied in the concept of humanitarian intervention is thus presented as a new development, partly motivated by the experience of the holocaust (Wheeler, 2000, p. 302). Historically, the tension between politics and morality is the result of a gradual universalization of moral principles, which was historically not matched by a similar development of the political and legal principles of the international order. The resulting clash between a universalist morality and a particularist political order thus requires reform of the latter 'in the name of cosmopolitan conventions whose time may have come' (Linklater, 2000, p. 493).

And yet, even protagonists of humanitarian intervention do not manage to uphold this strict opposition between politics and morality in practice. The debate shows that politics is actually taken to play a varied and indispensable role in and for humanitarian intervention. Politics, first, is seen as the root of humanitarian disasters (Wheeler, 2000, p. 306; Tesón, 2003, pp. 96–97). Hence, the 'attempt to align the boundaries of the state and the boundaries of the nation' leads to ethnic cleansing (Linklater, 2000, p. 484); regime types like 'anarchy' and 'tyranny' result in massive human rights violations (Tesón, 2003, pp. 96–97); and the inherently violent process of statebuilding leads to humanitarian disasters in the postcolonial world (Ayoob, 2002, p. 93; Ignatieff, 2003, p. 302). In all these cases, the causes of systematic human rights violations are seen as 'deeply rooted in the political, economic, and social structures of societies' (Wheeler, 2000, p. 306).

The solution to such problems accordingly lies in the reconfiguration 'of political systems that violate fundamental moral principles' (Linklater, 2000, p. 486) – that is, in the establishment of alternative forms of political organization. Ethnic cleansing requires the establishment of states, 'which are more universalistic and more sensitive to cultural differences' (Linklater, 2000, p. 484). The solution to anarchy and tyranny lies in the constitution of a liberal state (Tesón, 2003, p. 96). The solution to the violent processes of statebuilding is either seen in non-intervention, thus reducing interference that might

prolong the process (Ayoob, 2002, p. 94) or in 'conditional independence and sub-sovereign solutions of all kinds', which involves, 'in effect, an ongoing imperial or external presence with the military or economic capacity to keep these new entities in line' (Cooper, 2002, p. 5; Ignatieff, 2003, pp. 305, 309).

Finally, the means by which these solutions are to be implemented are also decidedly political: they lie, in accordance with the definition of humanitarian intervention, in the 'threat or use of force across state borders' (Holzgrefe, 2003, p. 18), that is, war. And war itself is explicitly recognized as a political tool. 'The real problem is a political one and coercive force remains an extension of politics by other means'; hence many authors argue that 'calling these situations humanitarian intervention only clouds the issue' (Chesterman, 2001; Coady, 2002, p. 16; Elshtain, 2003, p. 68; de Waal, 2007; Heinze, 2009) and use the term 'humanitarian war' instead. In practice, then, systematic violations of human rights are seen as rooted in particular political arrangements, addressing them requires alternative political arrangements and implementing such solutions requires political means.

Politics is here integrated into the concept of humanitarian intervention, albeit functionally differentiated: morality provides the guiding principles while it is the task of politics to translate these principles into practice in particular times and places. Despite the 'guiding' role of morality, however, this account clearly undermines the strict opposition of politics and morality. If political considerations and decisions are an integral part of humanitarian intervention, then the latter cannot be depicted as the moral solution to political problems as such. In other words, if both morality and politics play a crucial role in humanitarian intervention it becomes difficult to distinguish humanitarian from other forms of intervention – that is, the term humanitarian intervention does, then, not serve the function for which it was introduced, namely to clearly delineate an exception to the rule of non-intervention. And it is precisely this problem that has given rise to an extended debate on how to identify humanitarian interventions.

The challenge essentially consists in weighing moral against political motivations and considerations and it was widely taken up – without, however, resulting in a satisfactory solution. Some argue, as Hehir notes, that an intervention qualifies as humanitarian if it saves more lives than it takes (2010, pp. 161, 163). Yet, such a cost-benefit-analysis of lives saved and lost has two major shortcomings. The first lies in an impossibility to establish how many lives have actually been saved (which is a counterfactual and thus remains speculative). Second, this calculation does not take into account the political nature of the cause as well as the solution to massive human rights violations, which leads Tesón to argue that 'the loss of lives is not the only indicator of the legitimacy of humanitarian intervention'; instead 'building and restoring democratic, rights-respecting institutions addresses a central cause of

the problem' and should thus count as a criterion for humanitarian inter-
vention (Tesón, 2003, pp. 117–118). Yet, in both these cases the humanitarian
character of an intervention could only be established with hindsight – that is,
when the killing is finished and bodies can be counted, or when a new political
order has been established. For a decision to intervene or support an
intervention, these criteria are thus not helpful. This is a problem for all
consequentialist (Wheeler, 2000) definitions of humanitarian intervention.

In order to counter this problem, some authors suggest to assess the
motivation of the intervener. Here, albeit very rarely, we find the suggestion
that only interventions undertaken for purely altruistic reasons can count as
'humanitarian' (Miller, 2000). More generally, as Hehir notes, the political
considerations and interests of the intervening power are weighed against its
motivation to help people in need and it is argued that the moral goal has to
outweigh political interests (2010, p. 19). Apart from the difficulty of finding a
measure by which to weigh these different motivations, this task leads straight
back to the original problem: that is, it requires a clear distinction between
political and moral motivations and thus assumes their separate existence
albeit now within the framework of humanitarian intervention. Hence, the
original problem has here simply been imported into the concept of
humanitarian intervention.

This integration of politics into the concept of humanitarian intervention
thus provides the basis for an alternative historical account. If politics is
required in order to implement moral principles in concrete cases, then moral
principles necessarily become embedded in particular political frameworks – an
assumption that in turn makes the divergent historical development of politics
and morality impossible. Yet, some historical change is necessary in order to
explain the sudden rise of the concept of humanitarian intervention – and this
change is identified in the gradual theoretical distinction between politics and
morality.

To begin with, political institutions are indeed widely treated as embodying
moral principles. Most generally, 'the state as a coercive institution is
morally justifiable because in principle, it enables human beings to fulfill
their potentialities, by living together according to common rules. … . The
non-intervention principle is therefore basic to relations between states. …
There are moral reasons why a state must be recognized as having rights, in
particular the right that outsiders respect its independence and boundaries'
(Nardin, 2003, pp. 20–21). More specifically, there is widespread agreement
that humanitarian interventions do not have to be undertaken if they
are expected to bring 'substantial harm' to 'fellow citizens' (Elshtain, 2003,
pp. 74–75) and 'states are not required to sacrifice vital interests … for the sake
of helping others' and even soldiers' lives do not have to be sacrificed 'in large
numbers' (Wheeler, 2000, p. 49). There are, to be sure, disagreements on the

extent of the sacrifice that can be required of fellow citizens and soldiers (Cook, 2003, pp. 150–151; Elshtain, 2003, p. 75). Yet, in all cases the obligations towards its own citizens and soldiers provide the state in general (not just the liberal or modern state) with moral standing. Hence, the universal moral obligation is explicitly recognized as not 'absolute' (Tesón, 2003, p. 127), as 'an imperfect duty' (Nardin, 2003, p. 23).

Second, the debate on humanitarian intervention shows that the same moral principle can be enshrined in different political institutions and practices or, conversely, that one political institution can embody different moral principles. Thus, in the debate on humanitarian intervention, war is on the one hand offered as the most appropriate means to put an end to massive humanitarian disasters. On the other hand, it is argued that the destructive nature of war undermines its ability to provide the basis for peaceful and cooperative politics (Miller, 2003, p. 237; Young, 2003). Moreover, a right to humanitarian intervention adds to the permissible causes of war and must thus be weighed against the equally moral grounds on which these causes have been strictly limited during the twentieth century (Coady, 2002, p. 17). 'International order and stability, international peace and security' are thus judged to be 'fundamental values' that need to be taken into account for any analysis of the costs and benefits of humanitarian wars (Jackson, 2000, p. 291). And finally, 'humanitarian values are never under greater threat than when states get involved in wars … . War is the biggest threat to human rights' and has historically provided the framework for 'all major cases of genocide and ethnic cleansing' (Jackson, 2000, p. 291).

What these reflections underscore is the co-constitutive nature of politics and morality, which leads to the recognition that there are 'cases where whatever we do we will end up tolerating a violation of *some* fundamental rule' (Tesón, 2003, p. 110). And, hence, the decision to be made is not one between politics and morality but requires '*moral-political* considerations' (Tesón, 2003, p. 127; emphasis added) or 'a mixture of principle and prudence' (Linklater, 2000, p. 483; Elshtain, 2003, pp. 74–75). Consequently, what is contested in this debate is neither moral sensitivity nor substantive moral principles or the universal nature of moral obligations. Even proponents of 'humanitarian intervention' explicitly recognize that the moral judgement is essentially 'uncontroversial. For the most part, critics of humanitarian intervention do not disagree with the judgement that the situations … that call for intervention are morally abhorrent' (Tesón, 2003, p. 94). Indeed, 'the principles of common morality … are in fact recognized in most communities and traditions' (Nardin, 2003, p. 18; Bellamy, 2004, p. 139) suggesting that what is at issue in the debate on humanitarian intervention is political judgement rather than morality.

This recognition of the co-constitutive nature of politics and morality underpins an alternative historical account of the changes that have led to the

recent prominence of humanitarian intervention. According to this account, moral reasoning traditionally took the form of practical political judgement in the context of concrete cases – thus accounting for the intimate relationship between politics and morality. In the course of the seventeenth century, however, the role of practical political judgement began to be replaced by the elaboration of abstract logical systems of morality. 'General principles and abstract axioms were privileged over particular cases and concrete diversity, and the establishment of rules (or "laws") that were deemed of permanent as opposed to transitory applicability came to be seen as the task of the theorist' (Brown, 2003, p. 42). In other words, 'moral reasoning became a matter of following a theoretically validated rule, rather than of making a practical judgement' (Brown, 2003, p. 42). This abstraction of moral reasoning from concrete political circumstances leaves the theoretical conception of morality devoid of politics and thus accounts for the tension between them in the debate on humanitarian intervention. According to this narrative, the counterposition of politics and morality has its roots in their changing theoretical conception and does not reflect a divergent development of moral and political norms on the ground.

The debate on humanitarian intervention shows, in sum, that central to this term is the relationship between politics and morality – and there exist two accounts of the historical development of this relationship. One holds that morality has progressively become more universal and inclusive while political institutions have remained particularist. The prominence of the term humanitarian intervention is here interpreted as the result of this progressive development of morality and it identifies the means to undermine the particularist nature of political institutions and to spread the enjoyment of human rights more widely. The other views politics and morality in practice as co-constitutive and argues that the term humanitarian intervention is the result of a historical development in which the theoretical conception of politics and morality has been separated. Here, the term humanitarian intervention serves to sell the practice as a moral act and to obscure its political dimension. Adjudicating between these historical narratives thus calls for a historical analysis.

The Classical Debate

Classical theorists did not use the term 'humanitarian intervention'. Nor did they develop a distinct concept of wars justified by their humanitarian goals. Nevertheless, they regularly discussed the possibility of war to punish violations of natural law, to help oppressed subjects of another ruler or to help victims of civil war (Chesterman, 2001, pp. 10–20). In substantive terms, these

cases are comparable to those considered in contemporary debates on humanitarian intervention and I will analyse the relevant writings of Francisco de Vitoria, Edmund Burke, Thomas Paine and John Stuart Mill with the aim to establish, in the first instance, whether they recognized a moral obligation to outsiders and, if so, how they conceived of its political realization. In addition, the writings of these four authors emanate from different periods in European history and thus provide an indication of historical change in the conception of the relationship between politics and morality in the context of 'humanitarian intervention'.[1] The classical texts here simply provide historical evidence for the existence and nature of debates on such policies; critical engagement with their substantive positions, for lack of space, will have to wait for another opportunity.

The political event that triggered Vitoria's reflections on questions of 'humanitarian war' was the Spanish 'discovery' of America.[2] The Spanish crown as well as a range of social groups – traders, settlers, missionaries – had an interest in extending Spanish rule over these newly discovered lands and peoples. The pursuit of these interests, however, required the moral, legal and political justification of Spanish activities vis-a-vis the Catholic Church, other European powers and the conscience of individuals. Yet, since the very existence of the continent of America and of its peoples had been previously unknown in Europe, the Spaniards were confronted with the challenge of deciding which moral, legal and political principles could be applied to this case. This challenge was taken up in a public debate in which Francisco de Vitoria's arguments ultimately provided the justification for Spanish rule in America.

Vitoria first established that the Amerindians were indeed human beings and then argued that as such they 'undoubtedly possessed as true dominion, both public and private, as any Christians. That is to say, they could not be robbed of their property, either as private citizens or as princes' (Vitoria, 1991, pp. 250–251). Vitoria thus formulated an early conception of sovereignty and non-intervention that, in principle, extended to cultural and religious practices that violated, in the eyes of the Christians, the laws of nature: 'Christian princes cannot wage war on unbelievers on the grounds of their crimes against nature, any more than for other crimes which are not against nature' (Vitoria, 1991, pp. 222, 224).

Despite this robust principle of sovereignty, however, Vitoria justified the Spanish wars, and subsequent rule, in America – at least partly on 'humanitarian' grounds. The Amerindian communities were accused of practicing cannibalism and human sacrifice and these practices involved harming innocent people (Vitoria, 1991, p. 225). Such harm, Vitoria argued, cannot be ignored because 'amity between men is part of natural law' (Vitoria, 1991, pp. 278–279).[3] The universal brotherhood of men underpins the moral

right and obligation to help innocent people in need and it is therefore 'lawful to defend an innocent man even if he does not ask us to, or even if he refuses our help' and hence 'Christian princes can declare war on the barbarians' (Vitoria, 1991, p. 225). According to Vitoria's argument, the Spaniards had no authority to punish violations of natural law – but they did have a moral obligation (also based on natural law) to help innocent people in need: 'the reason why the barbarians can be conquered is not that their anthropophagy and human sacrifices are against natural law, but because they involve injustice (iniuria) to other men' (Vitoria, 1991, p. 225).

This justification is in line with present day conceptions of 'humanitarian intervention' and the parallels extend to the limits as well as modalities of such interventions. On the one hand, 'if war is declared on the barbarians by this title (to help the victims of atrocities), it is not lawful to continue once the cause ceases, nor to seize their goods and their lands on this pretext' (Vitoria, 1991, p. 226). On the other hand, even though regime change or the imposition of a different culture or religion as such are not lawful, 'if there is no other method of ensuring safety except by setting up Christian princes over them, this too will be lawful, as far as necessary to secure that end' (Vitoria, 1991, p. 226). In short, if particular political arrangements are identified as facilitating the atrocities in question, then regime change (and concretely Spanish rule) becomes necessary and lawful in pursuit of the 'humanitarian' aim.

Vitoria's reflections clearly contradict the claim that morality was limited to, and coincided with, political boundaries in times past (or that our predecessors were lacking in moral sensitivity). Even though Vitoria provided an early and influential formulation of the concept of sovereignty and the right to non-intervention, crucially for all and not just European or Christian communities, he also subscribed to universal moral principles that trumped this particular right under certain circumstances. But it is only this political context that is capable of turning universal moral principles into actual morality, for 'in moral terms, unbelievers are *not* to be forcibly converted to the faith'; only if forcible conversion or the establishment of a Christian prince were the only means to end and prevent the harm done to innocent people, then 'in political terms … it seems that such compulsion would be altogether lawful' (Vitoria, 1991, p. 222). Generally, therefore, Vitoria provides a moral justification for the principle of sovereignty as the basis of the international order; and intervention is only justified where this principle is in practice abused. In other words, the morality of intervention is entirely determined by the particular political context.

Moving on to the debate between Edmund Burke and Thomas Paine on the French Revolution, we can identify continuity but also change.[4] Contrary to the claim that moral sensitivity was less developed in the past, both Burke and Paine agree that the brutalities unfolding in the course of the French

Revolution are morally objectionable. The fact that the revolutionaries 'murdered their King, and imprisoned, butchered, confiscated, and banished their fellow Subjects' shocked 'the moral sentiments of all virtuous and sober minds' (Burke, 1987, pp. 101, 108). Indeed, that 'heads were stuck on spikes and carried about the city' were 'outrages' (Paine, 1995, pp. 108, 110). Though in general recognizing the principle of sovereignty, both Burke and Paine subscribed to a universal moral law that was able to trump sovereignty. 'As to the right of men to act any where according to their pleasure, without any moral tie, no such right exists' (Burke, 1991, p. 249). Accordingly, both Burke and Paine justified war – albeit on opposed sides. While Burke called on England and other European powers to declare war on France, Paine advocated French 'campaigns' in England and Germany.

Yet, it is the source of these differences that is of interest for the contemporary debate on humanitarian intervention. The disagreements of these authors did not arise from different moral principles. Both Burke and Paine subscribed to the rights of life, liberty and property (Burke, 1991, p. 238) – or the rights of man (Paine, 1995). Instead, the disagreements have their roots in different judgements on the political causes of, and solutions to, the brutalities. For Burke, the root of the problem was the revolutionary government of France, and in particular the principle of democracy: 'Of this I am certain, that in a democracy the majority of the citizens is capable of exercising the most cruel oppressions upon the minority whenever strong divisions prevail in that kind of polity, as they often must; and that oppression of the minority will extend to far greater numbers and will be carried on with much greater fury than can almost ever be apprehended from the dominion of a single scepter' (1987, p. 110). In contrast, Paine argued that 'these outrages were not the effect of the principles of the Revolution, but of the degraded mind that existed before the Revolution, and which the Revolution is calculated to reform' (1995, p. 110). Burke's analysis thus identifies democracy as facilitating brutal oppression and offers 'the dominion of a single scepter' – or constitutional monarchy – as a solution while Paine argues that these brutalities were the result of socialization under the ancient regime and offers the Revolution as solution (Paine, 1995, p. 108). In short, Burke and Paine do not pitch different moral norms against each other; and they do not pitch political interests against moral principles as the concept of humanitarian intervention today suggests; instead, these authors simply arrive at different political judgements on the nature of the problem as well as its solution.

Nevertheless, their debate does begin to introduce a gap between politics and morality. The formulation of abstract moral principles – the rights of man – enabled both authors to theoretically identify a particular form of government (democracy and constitutional monarchy, respectively) as corresponding to these rights, as being best suited to their realization. For

Burke, it is the definition of democracy as majority rule that implies the oppression of minorities; though supported by the example of the French Revolution, this is asserted as a theoretical claim with general validity. Hence, by undermining the belief in God, the rights of property, and non-democratic forms of government, the French revolution 'violates the rights upon which … all communities are founded' (1991, pp. 240–242, 252), held Burke. Consequently, regime type becomes a legitimate concern for all members of the international system. Even if the French Revolution had so far not done any direct harm to its neighbours, such harm could be anticipated (Burke, 1991, p. 250). In civil society, this anticipation provides grounds for a lawsuit but 'where there is no constituted judge, as between independent states there is not, … this principle … has bestowed on the grand vicinage of Europe a duty to know, and a right to prevent, *any* capital innovation which may amount to the erection of a dangerous nuisance' (1991, p. 251; emphasis added).[5] This theoretical linkage of moral principles with a corresponding form of government thus led to a justification of wars in which the goal of liberating citizens in other states was inextricably linked with self-defense. Burke thus argued that 'a war to preserve national independence, property, liberty, life, and honour, from certain universal havoc, is a war just, necessary, manly, pious; and we are bound to persevere in it by every principle, divine and human, as long as the system which menaces them all, and all equally, has an existence in the world' (1991, p. 238).

Paine follows exactly the same line of argument. Only now it is despotism that by definition violates the right to liberty – not only of the despot's own subjects but also of the citizens in other states. Unlike Burke, who had to acknowledge that revolutionary France had not (yet) done any direct harm to its neighbours, Paine could of course point to the intervention of the Holy Alliance in France and conclude that exporting the revolution was justified as a war of defense: 'when France shall be surrounded with revolutions, she will be in peace and safety' (1995, p. 201–202). Here, too, the theoretical link between the revolution and the realization of the rights of man led to the demand for a universalization of the revolution. Wars for the purpose of regime change were justified in general – and justified by the same inextricably linked goals of liberation and defense: 'with how much more glory, and advantage to itself does a nation act, when it exerts its powers to rescue the world from bondage, and to create itself friends' (Paine, 1995, p. 320). The abstract link between moral principles and particular regime types thus establishes a link between morality and self-interest: the rescue of others is inextricably linked to self-defense and the creation of friends while at the same time denying the moral core to alternative political projects. In other words, while one's own political judgement is equated with morality as such, alternative political judgements appear by definition as politics devoid of morality.

And this move has serious political implications for it leads Burke and Paine to justify war not just against those states in which atrocities actually take place but against all states whose form of government is associated in the abstract with the violation of the rights of man. Thus, just as Burke provides a justification for war against *any* state that introduces an 'innovation' irrespective of its performance with regard to the rights of man, Paine offers his services for a campaign against Germany without any mention of particular abuses being committed in those states at the time. Instead, the goal of such a campaign is 'the extinction of German despotism' and the establishment of 'the freedom of all Germany' (1995, pp. 201–202), just as the goal of a suggested campaign against his native England was the export of the revolution rather than the ending of any particular atrocities (Walker, 2000, pp. 62, 66, 68).

In addition, the ultimate aim to generalize a particular regime type implies the need to establish appropriate rules for the international system at large. Hence, Burke argued that France has not only 'annulled all their old treaties; but they have renounced the law of nations from whence treaties have their force. With a fixed design, they have outlawed themselves, and to their power outlawed all other nations' (1991, p. 240). The French identification of the rights of man with democratic government undermines the foundations of the entire international system: 'The colonies assert to themselves an independent constitution and a free trade. They must be constrained by troops. In what chapter of your code of the rights of men are they able to read that it is a part of the rights of men to have their commerce monopolized and restrained for the benefit of others? As the colonists rise on you, the Negroes rise on them. Troops again – massacre, torture, hanging! These are your rights of men!' (1987, p. 195). Both Burke and Paine concluded, therefore, that peaceful international cooperation in general required 'a common language', 'some common recognised principle' (Burke, 1991, p. 340), or 'a common and correspondent principle' (Paine, 1995, p. 287). The theoretical link between moral principles and particular political institutions did thus not only lead to the demand for the generalization of a particular regime type but also to a call for fundamental rules of the international system in line with, or conducive to, this end.

Burke and Paine recognized, however, that such a reordering of the entire international system was beyond the capabilities of the main international actors at the time. 'Distance of place', argues Burke, 'does not extinguish the duties or the rights of men; but it often renders their exercise impracticable. … . But there are situations where this difficulty does not occur; and in which, therefore, these duties are obligatory, and these rights are to be asserted' (Burke, 1991, p. 250). That is, a global enforcement of the rights of men would have been 'impracticable' but within Europe the 'Law of Neighbourhood'

demands the realization of these principles – and therefore war. And Paine, too, limits his advocacy of actual wars to the European theatre.

Neither Burke nor Paine, in sum, suffered from a lack of moral sensitivity just as neither of them limited moral obligations to the boundaries of the state or any other particularist institution. On the contrary, both unequivocally subscribed to a universal conception of moral obligations that cut across and trumped political boundaries – leading both authors to justify wars for the purpose of regime change. Thus, the moral principles become embedded within particular political institutions and practices. Moreover, the debate between Burke and Paine highlights that it is the political judgement that is contested, not the nature or extent of moral principles or their opposition to political interests.

And yet, unlike Vitoria for whom the justice of a war (against the Amerindians) was entirely determined by the concrete circumstances of the particular case, both Burke and Paine identify a particular regime type – democracy and constitutional monarchy, respectively – *in general* as best suited to the realization of moral principles. And this abstraction from the particular case of the French Revolution leads to the demand that all states in the international system adopt that regime and a concomitant general justification of wars for regime change. Hence, the debate between Burke and Paine does attest to a process of universalization – but this is not the universalization of moral principles; rather, it is the universalization of a particular political programme, which is associated with universal principles. This political programme, however, is practically pursued only within the European theatre for the simple reason that there existed no international actor at the time with sufficient power to lay down such a law for the entire world. Thus, we have a theoretical universalization of the right to intervention limited only by the lack of power to practically pursue this goal worldwide.

In contrast to Vitoria, Burke and Paine, the writings of John Stuart Mill, finally, appear to provide some support for the assumption of a historical – rather than just theoretical – separation of politics and morality.[6] Mill, after all, famously and explicitly advocated the principle of non-intervention and thus appears to restrict moral obligations to the domestic sphere. And yet, like his predecessors, Mill did not only recognize the rights of independent political communities but explicitly also universal moral principles. Britain, he argues, only interferes in the affairs of foreign states 'in the service of others … to mediate in the quarrels which break out between foreign states, to arrest obstinate civil wars, to reconcile belligerents, to intercede for mild treatment of the vanquished, or finally, to procure the abandonment of some national crime and scandal to humanity, such as the slave-trade' (1984, p. 111). For Mill, then, British foreign policy did pursue a range of moral aims and he clearly viewed the slave trade as a 'crime against humanity' and supported Britain's efforts to put an end to this crime. Indeed, Mill explicitly recognized 'universal rules of

morality between man and man' (1984, p. 119), even while he put forward a forceful argument for the principle of non-intervention. This contradiction between the recognition of universal moral laws on the one hand and the principle of non-intervention on the other may be interpreted as reflecting a diverging historical development of morality and politics.

And yet, Mill manages to square that circle. Key to understanding Mill's principle of non-intervention is his work on representative government. Representative government, Mill argues, is *the* ideal form of government for the protection and realization of universal individual rights (1998). Just as Burke and Paine, then, Mill identifies these rights – of life, liberty and property – unequivocally with a particular form of political organization. He recognizes, however, that this claim is contested within Europe as well as in the wider world. He thus distinguishes categorically between peoples who, in principle at least, are capable of recognizing and realizing these rights – civilized peoples – and those who in his opinion do not (yet) have this ability – barbarian peoples (1984, p. 118). Barbarian peoples 'have no rights as *nation*, except a right to such treatment as may, at the earliest possible period, fit them for becoming one' (1984, p. 119). Mill thus denies barbarian peoples political rights, that is the right to sovereignty and non-intervention, and argues that for barbarians, colonial or despotic government is 'the ideal rule' because it allows the civilized colonizer to prepare the indigenous population for an eventual enjoyment of the rights of life, liberty and property (Mill, 1998, pp. 432, 453, 454).[7] Such despotic colonial rule may, however, have to be imposed by violent means as the 'barbarians' (by definition) do not recognize the beneficial nature of such colonial rule. And it is for these violent clashes between civilized and barbarian peoples that Mill reserves the term 'war' – which indicates 'conquest', 'annexation' and 'defense', that is, the denial of political rights for the entire community (1984, p. 121).

This concept of war, Mill argues, does not apply to relations between civilized nations. Here 'the disputed question is that of interfering in the regulation of another country's internal concerns; the question whether a nation is justified in taking part on either side, in the civil wars or party contests of another; and chiefly, whether it may justifiably aid the people of another country in struggling for liberty; or may impose on a country any particular government or institutions, either as being best for the country itself, or as necessary for the security of its neighbours' (1984, p.121). The term 'intervention' in Mill's usage is thus reserved for the use of force in cases where the political rights of the target are explicitly recognized. And it is the fact that civilized peoples are by definition capable of realizing the rights of life, liberty and property through the establishment of representative government that leads Mill to argue that relations between civilized nations must be governed by the principle of non-intervention. Although at the time of his writing most

European nations had not yet established representative governments, Mill argued that the institutionalization of freedom could only be effected from within. If a people has 'not sufficient love of liberty to be able to wrest it from merely domestic oppressors, the liberty which is bestowed on them by other hands than their own, will have nothing real, nothing permanent. No people ever was and remained free, but because it was determined to be so' (1984, p. 122). Sufficient love of freedom can – or even must – be developed through 'an arduous struggle to become free by their own efforts' and people will only defend free institutions for which 'they have long fought' and 'made sacrifices' (1984, p. 123).

In short, Mill argued that representative government conducive to the realization of universal moral rights could only be established through domestic struggle and he explicitly expected such struggles to entail, or even require, serious sacrifices that played an important role in schooling the population in the exercise of freedom and in establishing a firm commitment to free institutions. Conversely, 'a government which needs foreign support to enforce obedience from its own citizens, is one which ought not to exist; and the existence given to it by foreigners is hardly ever anything but the sympathy of one despotism with another' (1984, p. 121). Hence, the principle of non-intervention simply ensures that representative government is truly representative – and it denies would-be interveners the chance of passing off their 'despotic' interference as a moral act.

This abstract argument from which Mill derives the general rule of non-intervention for relations between civilized states, however, required fine-tuning in light of concrete political realities and led Mill to formulate two exceptions to the rule of non-intervention. The first exception concerned cases in which the struggle for free institutions descended into 'a protracted civil war, in which the contending parties are so equally balanced that there is no probability of a speedy issue; or if there is, the victorious side cannot hope to keep down the vanquished but by severities repugnant to humanity and injurious to the welfare of the country' (1984, p. 121). In such cases intervention was permitted and, Mill argued, had actually been practiced quite frequently[8] and thus entered into a principle of customary international law. These interventions do entail a humanitarian element in that they aim to prevent what one might call politically 'unfruitful' humanitarian costs. That is, the exception does not cover all cases of atrocities in civil wars but only those in which existing sacrifices do not contribute to a resolution of the political struggle – one way or the other. Accordingly, such interventions do not aim to establish a particular regime in the target country or to support the 'right' side in the contest – but a reconciliation on 'equitable terms of compromise' (Mill, 1984, p. 121).

The second exception is the case of counter-intervention. In this case, it is assumed that a foreign power is already meddling in the internal affairs of another state and thus distorts the domestic political process. In such cases,

'intervention to enforce non-intervention is always rightful, always moral, if not always prudent' (1984, p. 123). Here again, the intervention is conceived as unpolitical. It does not aim to establish a particular political solution to the conflict but simply, just as in the case of protracted civil wars, to re-establish the integrity of the domestic political process.

Like his predecessors, then, John Stuart Mill was clearly sensitive to systematic brutalities like the slave trade and the humanitarian costs of civil wars and he explicitly subscribed to a universal moral law. Yet, the fact that Mill advocated the principle of non-intervention does not indicate that he restricted moral obligations to the limits of the state. On the contrary, Mill's vision of the world involves the active realization of moral rights like life, liberty and property universally. This goal was to be achieved, however, through the institution of the state rather than through intervention. He propagates an international order in which all people are governed by the political regime – representative government or despotic colonial rule – that will ensure their enjoyment of moral rights at the earliest possible opportunity. In the case of 'civilized' peoples this requires protection of the indigenous political process through the principle of non-intervention; and in the case of 'barbarian' peoples it requires colonial rule by 'civilized' states. Far from limiting moral obligations, therefore, Mill's principle of non-intervention plays a crucial role for the establishment and protection of moral rights worldwide.

Just like Burke and Paine, nonetheless, Mill develops his position through the abstract identification of representative government as the ideal form of rule for the realization of moral principles. In practice, however, this ideal required adjustment to the political possibilities. And here, Mill notes that while there were movements in most European nations aspiring to some form of representative government, the same was not the case in the non-European world. Unlike Burke and Paine, however, who had to restrict their political goals in practice to Europe, Mill can realistically envisage such an ordering of the entire world because the nation of Britain in the nineteenth century 'is equal to the greatest in extent of dominion, far exceeding any other in wealth, and in the power that wealth bestows' (Mill, 1984, p. 111). This power enabled Britain essentially to lay down the rules for the entire international system – yet not to such an extent that it could have imposed its vision by force everywhere. That was only possible in the non-European world where the task of establishing colonial rule was, in addition, shared between a number of 'civilized' states. Within Europe, Britain had the means to play a hegemonic role by reassuring other states of its respect through the principle of non-intervention, and by promising them a share in the benefits of Britains power: according to Mill, 'this nation desires no benefit to itself at the expense of others', 'it makes no treaties stipulating for separate commercial advantages', it goes to war only in response to the 'aggressions of barbarians' and while bearing

the costs of war, shares its fruits 'in fraternal equality with the whole human race' (1984, p. 111). The realization of moral principles is thus here, too, circumscribed by the political possibilities and requires political judgement.

Yet, just as in the case of the French Revolution this political judgement is necessarily contested. Not only did many European states not share Mill's identification of representative government with morality; Britain was also faced by the accusation 'most widely current on the continent' that it 'meddles' in the affairs of other states motivated by 'egoism and selfishness' (Mill, 1984, pp. 111–112). And it is against this challenge that Mill elaborates the moral, yet clearly contested, core of British foreign policy.

In sum, not one of the classical authors analysed here develops a concept of humanitarian intervention. Yet, this lacuna does not indicate either a poorly developed moral sensitivity or the limitation of moral obligations to the boundaries of the state. On the contrary, Vitoria, Burke, Paine and Mill explicitly subscribe to universal moral obligations and aim to realize these moral obligations beyond state borders. The pursuit of this aim, however, requires political action and so classical authors propagate particular political practices and institutions embodying moral principles for individual states as well as the international system at large. The main differences between these political projects lie not in the substantive moral norms they embody but rather in the political imagination and relative capabilities of their protagonists – that is, in political judgement. For Vitoria, the solution to 'human rights violations' are Catholic Princes, for Burke a constitutional monarchy, for Paine a revolutionary democracy and for Mill representative government. And these solutions are imposed where possible through just wars, wars for regime change, colonial conquest – but left to the locals where necessary. Yet, the possibilities of ordering the entire international system in accordance with such political projects have clearly increased over time. While Vitoria still had to be content with the American exception and Burke and Paine could envisage shaping the entire European continent, Mill realistically envisaged reshaping the entire international system – albeit not everywhere by means of force. Yet this process of universalization is decidedly not one of moral principles or sensitivities that are universal for all authors. Instead, it is a gradual universalization of power and of geopolitically shifting inequalities of power that appears to enable the abstraction of morality from political judgement in concrete cases and the presentation of particular political projects as embodying morality *per se*.

Conclusion

The reflections of classical theorists on war for the purpose of helping victims of abuse in foreign states show, then, that morality and politics are indeed

mutually constitutive. And the interventions advocated today as humanitarian are as much political projects as the wars and interventions contemplated by the classical authors. Thus, the constitution of a 'liberal state' is offered as solution to problems supposedly generated by anarchy and tyranny (Tesón, 2003, p. 96). A more universal state is offered as solution to the particularism associated with ethnic cleansing (Linklater, 2000, p. 492). And statebuilding (neo-imperialist or indigenous) is offered as solution to the violence of modernization processes (Ayoob, 2002, pp. 93–94; Ignatieff, 2003, pp. 302, 313–314). These interventions thus advocate a particular – broadly liberal or modern – political order as solution to the problems apparently generated by other political regimes and configurations.

And just as in classical theory, the nature of these political projects is defined and circumscribed by the political imagination and material capabilities of their protagonists. Liberal (modern, universal, European, democratic) states are seen to meet the standard for 'comparative moral reliability' (Buchanan and Keohane, 2004, p. 19); to have developed more universalistic forms of community (Linklater, 2000, p. 484); and/or to have the economic, political and military capacity 'to provide protection and a good economic environment' (Cooper, 2002, p. 5; Ignatieff, 2003, pp. 313–314, 309). These communities become the 'custodians of the global human rights culture' (Linklater, 2000, p. 486) and are tasked with reforming not just the political system in particular target states but the legal norms of the entire international order (Linklater, 2000, p. 493; Wheeler, 2000, p. 310; Tesón, 2003, p. 127).

Concrete proposals to this end include 'a treaty based coalition among liberal democratic states' with the right to override a deadlocked Security Council on questions of humanitarian intervention (Buchanan, 2003, p. 171; Buchanan and Keohane, 2004),[9] a call for 'gradations in sovereignty' (Keohane, 2003; Paris, 2004),[10] right up to the establishment of a new imperialism on the grounds that 'the weak still need the strong and the strong still need an orderly world' (Cooper, 2002, p. 5). The result of this reasoning is an international order no longer based on the principle of equality. 'State-majoritarianism, under current conditions in which many states are not democratic cannot be viewed as having the same legitimacy-conferring power as the consent of individuals' (Buchanan, 2003, p. 171). These projects aim to replace legal equality with legal inequality as the basis of the international order. The concept of humanitarian intervention thus functions 'as a doctrinal advance guard' (Farer, 2003, p. 55) for a new international order – which has its roots in a shift in power relations as a consequence of the demise of the Soviet Union rather than in substantive moral development.

In other words, the demise of the Soviet Union provided powerful Western actors (from states through IGOs and NGOs to their academic observers) with the opportunity of proactively spreading the political order variously identified

as best suited to the protection of human rights. Yet, the groundrules of the international system, especially since decolonization, explicitly forbid interference in the political constitution of other states – a groundrule that could not be challenged directly. It is this historical conjuncture that explains the timing of the rise of humanitarian intervention to prominence. The term, moreover, entails the project of a radical revolution of the groundrules of the international system at large – and it is this content that explains the speed and impact of the term among protagonists and critics alike.

The term humanitarian intervention provides legitimacy for illegal interventions by distinguishing unequivocally between humanitarian, that is universal moral, and political, that is particularist and hence illegitimate and illegal, interventions. The term thus serves to hide the political nature of 'humanitarian interventions' and, conversely, functions to deny moral standing to alternative political positions and projects. This is what accusations of 'moral bankruptcy' (Wheeler, 2000, p. 296), of failing to serve as 'good international citizens' (Linklater, 2000, p. 493), and of providing support for 'the worst forms of human evil' (Tesón, 2003, p. 129) are about. The discourse on humanitarian intervention thus impedes the search for solutions to concrete 'humanitarian' problems by delegitimating a wide range of potential political solutions (de Waal, 2007).

In sum, the concept of humanitarian intervention rests on false premises: it assumes that there exists a historically developed gap between morality and politics, which it sets out to bridge. Yet, the codification or legalization of humanitarian intervention does not alter 'the relationship between order and justice, citizenship and humanity, and sovereignty and human rights' (Linklater, 2000, p. 493) for the simple reason that these concepts do not constitute opposites. Order does not stand for politics without morality, nor justice for morality without politics: humanitarian interventions, after all, aim to produce order as a precondition for justice. Citizenship does not stand for a particularist political concept nor humanity for a universalist moral one: rather citizenship has a moral standing invariably acknowledged by advocates of humanitarian intervention while humanity requires political institutions such as the state to come into its own. And sovereignty is not the opposite of human rights but rather the institution through which these rights are, for the most part, realized. That is, 'the abstract attempt to apply ethics to politics, truth to power, or universality to particularity simply conjures away the very specific ways in which these apparent opposites are already mutually constitutive' (Walker, 2010, p. 129). And so it is with the term humanitarian intervention. Though explicitly aiming to bridge the gap between politics and morality, born of a particular political conjuncture, the term humanitarian intervention ironically contributes to their separation.

There is, then, 'no such thing as humanitarian intervention' defined as moral solution to political problems (de Waal, 2007). Taking seriously the mutually constitutive nature of politics and morality thus requires giving up the concept of humanitarian intervention – lest it continues to play not a moral but a highly ideological role.

About the Author

Beate Jahn holds a Chair in International Relations at the University of Sussex in the United Kingdom. Her publications include *The Cultural Construction of International Relations: The Invention of the State of Nature*, Basingstoke (2000) and *Classical Theory in International Relations* (ed. 2006). She also has articles in *International Organization*, *Review of International Studies*, *International Theory* and the *Journal of Intervention and Statebuilding*.

Notes

1 In addition to providing a chronological overview, this selection of authors includes 'interventionists' (Vitoria, Burke, Paine) and 'non-interventionists' (Mill) and it offers a direct debate (between Burke and Paine) that allows for an analysis of the nature of different positions.
2 For a fuller discussion of Vitoria, see Pagden (1982, 1993) and Jahn (2000).
3 For classical authors in general, and Vitoria in particular, it was just war theory that covered the issue of what we call humanitarian intervention today. Just war theory no doubt provides a fruitful theoretical framework for the analysis of humanitarian intervention (see Fixdal and Smith, 1998; Rengger, 2005). Engaging with that literature, however, would go beyond the scope of this article.
4 On Edmund Burke more generally, see Welsh (1995), Mehta (1999) and Hampsher-Monk (2005). On Paine, see Walker (2000) and Jahn (2000).
5 See Iain Hampsher-Monk for a thorough discussion of the process by which Burke eventually came to settle on this particular justification for war against France (2005).
6 On Mill more generally, see Mehta (1999), Pitts (2005), Jahn (2005) and Varouxakis (1997).
7 See Jahn (2005), Pitts (2005) and Mehta (1999) for a more thorough discussion of Mill's justification of colonialism.
8 His examples are the intervention of the European powers in the conflict between Greek insurgents and Turkey, between Turkey and Egypt, and between Holland and Belgium. See Chesterman for a discussion of the 'humanitarian' merits of some of these cases (2001, pp. 28–35).
9 For an overview and critique of such political proposals, see Clark (2009), and on the constitutionalization of international law, see Cohen (2004).
10 For a discussion of the internal contradictions of this position, see Jahn (2007).

References

Ayoob, M. (2002) Humanitarian intervention and state sovereignty. *The International Journal of Human Rights* 6(1): 81–102.

Bellamy, A.J. (2004) Ethics and intervention: The 'humanitarian exception' and the problem of abuse in the case of Iraq. *Journal of Peace Research* 41(2): 131–147.

Brown, C. (2003) Selective humanitarianism: In defense of inconsistency. In: D.K. Chatterjee and D.E. Scheid (eds.) *Ethics and Foreign Intervention*. Cambridge: Cambridge University Press, pp. 31–50.

Buchanan, A. (2003) Reforming the international law of humanitarian intervention. In: J.L. Holzgrefe and R.O. Keohane (eds.) *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press, pp. 130–173.

Buchanan, A. and Keohane, R.O. (2004) The preventive use of force: A cosmopolitan institutional proposal. *Ethics and International Affairs* 18(1): 1–22.

Burke, E. (1987) *Reflections on the Revolution in France*, J.G.A. Pocock (ed.). Indianapolis, IN: Hackett.

Burke, E. (1991) *The Writings and Speeches of Edmund Burke*, P. Langford (ed.), Vol. IX. Oxford: Clarendon Press.

Chesterman, S. (2001) *Just War or Just Peace? Humanitarian Intervention and International Law*. Oxford: Oxford University Press.

Clark, I. (2009) Democracy in international society: Promotion or exclusion? *Millennium – Journal of International Studies* 37(3): 563–581.

Coady, C.A.J. (2002) *The Ethics of Armed Humanitarian Intervention*, Peaceworks No. 45. Washington: United States Institute of Peace.

Cohen, J.L. (2004) Whose sovereignty? Empire versus international law. *Ethics and International Affairs* 18(3): 1–24.

Cook, M.L. (2003) 'Immaculate war': Constraints on humanitarian intervention. In: A.F. Jr Lang (ed.) *Just Intervention*. Washington: Georgetown University Press, pp. 154–154.

Cooper, R. (2002) The new liberal imperialism, http://www.guardian.co.uk/world/2002/apr/07/1/print.

De Waal, A. (2007) No such thing as humanitarian intervention. Why we need to rethink the 'responsibility to protect' in wartime. *Harvard International Review*, http://hir.harvard.edu/index.php?page=article&id=1482&p=1, 15 January 2010.

Elshtain, J.B. (2003) International justice as equal regard and the use of force. *Ethics and International Affairs* 17(2): 63–75.

Farer, T.J. (2003) Humanitarian intervention before and after 9/11: Legality and legitimacy. In: J.L. Holzgrefe and R.O. Keohane (eds.) *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press, pp. 53–89.

Fixdal, M. and Smith, D. (1998) Humanitarian intervention and just war. *Merhson International Studies Review* 42(2): 283–312.

Hampsher-Monk, I. (2005) Edmund Burke's changing justification for intervention. *The Historical Journal* 48(1): 65–100.

Hehir, A. (2010) *Humanitarian Intervention. An Introduction*. Basingstoke, UK: Palgrave.

Heinze, E.A. (2009) *Waging Humanitarian War. The Ethics, Law, and Politics of Humanitarian Intervention*. New York: State University of New York Press.

Holzgrefe, J.L. (2003) The humanitarian intervention debate. In: J.L. Holzgrefe and R.O. Keohane (eds.) *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press, pp. 15–52.

Ignatieff, M. (2003) State failure and nation-building. In: J.L. Holzgrefe and R.O. Keohane (eds.) *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press, pp. 299–321.

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

Jahn, B. (2000) *The Cultural Construction of International Relations or the Invention of the State of Nature*. Basingstoke, UK: Palgrave.

Jahn, B. (2005) Barbarian thoughts: Imperialism in the philosophy of John Stuart Mill. *Review of International Studies* 31(3): 599–618.

Jahn, B. (2007) The tragedy of liberal diplomacy. Part II. *Journal of Intervention and Statebuilding* 1(2): 211–229.

Keohane, R.O. (2003) Political authority after intervention: Gradations in sovereignty. In: J.L. Holzgrefe and R.O. Keohane (eds.) *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press, pp. 275–298.

Linklater, A. (2000) The good international citizen and the crisis in Kosovo. In: A. Schnabel and R. Thakur (eds.) *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*. New York: UN University Press, pp. 482–495.

Mehta, U.S. (1999) *Liberalism and Empire. A Study in Nineteenth-century British Liberal Thought.* Chicago, IL: The University of Chicago Press.

Mill, J.S. (1984) A few words on non-intervention. In: J.M. Robson (ed.) *The Collected Works of John Stuart Mill*, Vol. XXI. Toronto: University of Toronto Press, pp. 109–124.

Mill, J.S. (1998) *On Liberty and Other Essays*, J. Gray (ed.). Oxford: Oxford University Press.

Miller, R.B. (2000) Humanitarian intervention, altruism, and the limits of casuistry. *Journal of Religious Ethics* 28(1): 3–35.

Miller, R.W. (2003) Respectable oppressors, hypocritical liberators: Morality, intervention, and reality. In: D.K. Chatterjee and D.E. Scheid (eds.) *Ethics and Foreign Intervention*. Cambridge: Cambridge University Press, pp. 215–250.

Müllerson, R. (2009) *Democracy – A Destiny of Humankind?* New York: Nova Science Publishers.

Nardin, T. (2003) The moral basis for humanitarian intervention. In: A.F. Jr Lang (ed.) *Just Intervention*. Washington: Georgetown University Press, pp. 11–24.

Pagden, A. (1982) *The Fall of Natural Man*. Cambridge: Cambridge University Press.

Pagden, A. (1993) *European Encounters with the New World*. New Haven, CT: Yale University Press.

Paine, T. (1995) *Rights of Man, Common Sense and Other Political Writings*, M. Philip (ed.). Oxford: Oxford University Press.

Paris, R. (2004) *At War's End. Building Peace after Civil Conflict*. Cambridge: Cambridge University Press.

Pitts, J. (2005) *A Turn to Empire. The Rise of Imperial Liberalism in Britain and France*. Princeton, NJ: Princeton University Press.

Rengger, N. (2005) The judgment of war: On the idea of legitimate force in world politics. *Review of International Studies* 31(S1): 143–161.

Tesón, F.R. (2003) The liberal case for humanitarian intervention. In: J.L. Holzgrefe and R.O. Keohane (eds.) *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press, pp. 93–129.

Varouxakis, G. (1997) John Stuart Mill on intervention and non-intervention. *Millennium* 26: 57–76.

Vitoria, F.de (1991) *Political Writings*, A. Pagden and J. Lawrance (eds.). Cambridge: Cambridge University Press.

Walker, R.B.J. (2010) *After the Globe, Before the World*. London: Routledge.

Walker, T.C. (2000) The forgotten prophet: Tom Paine's cosmopolitanism and international relations. *International Studies Quarterly* 44(1): 51–72.

Welsh, J. (1995) *Edmund Burke and International Relations*. Basingstoke, UK: St Martin's Press.

Wheeler, N.J. (2000) *Saving Strangers. Humanitarian Intervention in International Society*. Oxford: Oxford University Press.

Young, I.M. (2003) Violence against power: Critical thoughts on military intervention. In: D.K. Chatterjee and D.E. Scheid (eds.) *Ethics and Foreign Intervention*. Cambridge: Cambridge University Press, pp. 251–273.