

Rescue Beyond Ideals

-Guiding action in political theory

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Master's thesis

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1 Introduction

In this thesis I discuss the question of how we ought to go about treating difficult political questions such as that of international rescue within the field of political theory. The question arises out of a concern that the way in which international rescue is currently being treated is hampered by a lack of potential for guiding political action.

The debate on international rescue has been unfolded along two main dimensions. On the one hand, the UN/policy-centred debate has focused on intervention for humanitarian purposes in a way that has culminated in the Responsibility to Protect (R2P). On the other hand, the issue has been subject to considerable debate within the field of normative political theory. Indeed, there can be little doubt that, generally speaking, normative political theory forms important parts of the very foundation of the debate. It is the treatment of the issue in political theory that forms the central theme of the thesis. What encourages this approach is the argument that the R2P approach has stagnated and turned into an unconstructive debate, and that one, therefore, ought to move “back to the roots” – political theory. However, before proceeding to explain the objective and support the claim about the R2P, the more general theme of international rescue needs an introduction.

1.1 Introducing the theme

Michael Walzer once noted, with reference to the regular occurrence of mass atrocity crimes in our world, “Examples are not hard to find; it is their plenitude that is embarrassing” (Walzer, 2006: 101). Alas, events of mass atrocities have been a recurring feature on the international scene throughout history and this year alone has marked no exception. Perilous fumes have been ignited in Ivory Coast, Syria, Somalia and, perhaps most famously, in Libya where events spurred an international response which took the form of a NATO led campaign mandated by the United Nations Security Council to protect civilians. In the past, atrocities committed in Cambodia, Bosnia, Rwanda and Darfur, and many other places, have, to borrow Walzer’s expression, “shocked the moral conscience of mankind” (Walzer, 1977: 107). It is a sad fact that if the events of the day and, indeed, history provide any lessons, as surely they must, the international community will face instances of people(s) in need of rescue for some time yet.

But, what exactly constitutes the sort of situation it is that I am talking about? Indeed, the debate on how to deal with such cases has been marked by a striking lack of clarity when it comes to what sort of situations it actually *concerns*. Ranging from so called liberal interventionism and the “white man’s burden”¹ to variants of peacekeeping the debate has suffered from a noticeable lack of focus and consistency². As seems clear, the definition of what constitutes cause for intervention is, unsurprisingly, a frequent cause for debate. However, a passage from Bernard Williams’ classic work dealing with humanitarianism and the right to intervene fills the function of illuminating the issue complex with which I shall be dealing:

The reference to humanitarianism is meant to signal that on a significant scale in some area people are suffering what by more or less universal consent would be regarded as a disaster from their point of view, something basically to be feared: they are starving, undernourished, terrorized, murdered, under attack, forcibly moved, and so forth. I take these to be the materials of what may be called Hobbesian fear. They are related to the first question of politics, to the claim that the first aim of political order is to reduce the probability of such things, if possible. [...]. I assume, further, [...], that we are concerned with cases in which these conditions of Hobbesian fear actually obtain. (Williams, 2005: 145)

This is not to argue that other forms of rights violations are not important. Issues such as the subjugation of women in some societies constitute an important issue. This is, however, not the issue with which I shall be dealing. In simple terms, what this is about is *international rescue*³. Along the lines of Williams’ argument, this should be taken to mean rescue in the international realm, in “[...] cases in which everyone would agree that what is happening to the group in question is bad news for that group”. And, in terms of the gravity of these situations, situations where there may be a need to use force, as “[such cases] illustrate more dramatically issues that arise in other cases as well” (ibid.: 146). Restricting the scope to such cases of clear cut coercive intervention will enable a more focused analysis. Importantly, I emphatically emphasise that this thesis is not, directly, about sovereignty concerns, nor is it about military capacity or prevention. It is, rather, the *debate* on the issue of international rescue and the very role of this debate in informing policy that will form the subject matter of

¹ For more on such interpretations, cf.: (Ayoob, 2002; Chandler, 2004).

² One might be disposed to argue that these entail different debates entirely. I shall not, however, enter into that discussion here.

³ I borrow this term from Bernard Williams, who, in his comparison of the moral dilemma of rescue and humanitarian intervention in the international realm coins this term (Williams, 2005: 145-153). Even though the term “humanitarian intervention” is more commonly used, I argue that “international rescue” better covers the phenomenon with which I shall be dealing.

the analysis. Moreover, it is important to note that it is not the question of whether international rescue is legitimate or just that will be the point of focus. I take it as an analytical point of departure that it is. This is not to say that the question of justness or legitimacy is not important, but it is, by consequence, a question that will have to be left to others.

1.2 Objective and research question

In general terms my objective is to look into how one ought to engage in theorising on the issue of international rescue from within political theory. There are obvious normative sides to the question of international rescue, and it begs the question of what role political theory can play. It follows that my objective will be to look into what role political theory does and, more importantly, to analyse what role it can or should play. More specifically I intend to take a relevant and contemporary example of political theory as a point of departure as a means to establish what is needed for political theory in order to better deal with such difficult political and moral questions. Simon Caney's liberal egalitarian cosmopolitan theory on humanitarian intervention will perform this function. Through a look at said theory, it will become apparent that, in much the same way as with the R2P, Caney runs into some of the same problems which have to do with potential for guidance. This potentially problematic side to contemporary political theory on the issue in turn draws the attention to the question of how one ought to go about making political theory on such serious matters. This requires a framework of thought and, by way of providing this I will make use of the meta-theoretical debate on *ideal* and *non-ideal* theory. With its inherent focus on what sort of guidance, if any at all, is to be expected from political theory and how this can be achieved, the ideal/non-ideal debate will form a pivotal point for the analysis. The objective here is to examine which lessons can be drawn from that debate in order to facilitate theoretical progress on the issue. Against this backdrop I will endeavour to discuss how one ought to engage in political theorising on international rescue, and whether it is possible to achieve a greater degree of action-guidance without stepping out of the realm of political theory, as well as discussing how this might be done in praxis.

From the above objective follows the *research question*, which reads:

- *How ought we to go about treating difficult political questions such as that of international rescue within the field of political theory?*

Given that I intend to deal with this issue complex through the lens of political theory, I add a central sub question of a more methodological nature. As such, this sub question reads:

- *How can we make more action-guiding political theory?*

1.3 The debate - the road from “the right to intervene” to “the responsibility to protect”

By way of supporting the claim made initially about the apparent faults of the R2P, in this part of this introductory chapter I will present the debate on humanitarian intervention that raged in the 1990s, the subsequent report of the International Commission on Intervention and State Sovereignty (ICISS) and, finally the agreement on the Responsibility to Protect (R2P) in the 2005 UN World Summit Outcome Document. Arguably, an understanding of the complexities of the debate on humanitarian intervention and the ensuing evolution of the concept into the responsibility to protect is imperative for an understanding of the field as it stands today and, more importantly, plays an important role in terms of the argument that it is a constructive idea to engage in further normative theorising on the issue. I argue that the debate on this issue has moved onto an unconstructive sidetrack where little attention is being paid to issues considered pivotal to the furtherance of effective response. More specifically, I find that it fails to address the “enduring dilemmas” of international rescue, commonly recognised to be the questions of authority and political will, and has, as such, not added much value to the ongoing debate on the issue (Welsh, 2010: 420,28). Of most importance for the suggested move to political theory is the upshot of the critique, namely that the R2P debate has moved onto an unconstructive path where, to the detriment of focus on guiding action, the tenet of the debate is what is good for the concept qua concept.

The 1990s debate

In the aftermath of the Cold War the international community found itself faced with a raft of internal conflicts and crisis. Conscience-shocking situations arose at worrying pace and the increased news-coverage of foreign events contributed to the Balkans and Africa in particular becoming the new hot spots on the international agenda. Against this backdrop the United

Nations (UN) and more generally the international community tried to find practical measures to tackle these new challenges. The UN-decision⁴ to establish a no-fly zone and safe havens for the Kurds in Northern Iraq in the aftermath of the first Gulf War marked the start on what became a decade of trial and error in terms of using coercive means to respond to mass atrocities. In subsequent years, several crises unfolded without any effective response from the international community, whereas in other cases, the international community acted with the authorisation of the UN, but often in an erratic, incomplete or counterproductive fashion (Evans, 2008b: 25).

The renewed focus on the use of force for humanitarian purposes, and the possible existence of a right to intervene, called into question the traditional interpretation of the non-intervention norm as well as conventional UN peacekeeping practices, where the change from Chapter VI and “Chapter VI-and-a-half” (Farrell, 2010: 310) to the Chapter VII, or “all necessary means”, -operations during the course of the 1990s represented a qualitative change (Weiss, 2007: 40). The expansion of the definition of peace and security to include domestic issues led to ensuing polarisation between developed and developing countries (ibid.: 41-2). Indeed, the development of a more expansive interpretation by the UN Security Council (UNSC) of what constituted a threat to “international peace and security” signalled a normative change.⁵ It is safe to say that this change was received with more enthusiasm in some corners of the world than in others. Discussion on the issue of humanitarian intervention became a field of fierce political battles, and in simple terms the pro-intervention “global North” was pitted against the non-interventionist “global South”, who favoured a traditional conception of national sovereignty (Evans, 2008b: 30). And, as Gareth Evans so tellingly describes it; “Battle lines were drawn, trenches were dug, and verbal missiles flew. The debate was intense and very bitter, and the twentieth century ended with it utterly unresolved in the UN or anywhere else.” (ibid.: 30).

The ICISS report – emergence of the Responsibility to Protect

[...]if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity? (Kofi Annan, quoted in ICISS, 2001: VII)

⁴ See (UN-Resolution, 688).

⁵ For an overview of different invocations of threat to peace and security, see (Weiss, 2007: 40-1).

In the somewhat unpromising environment of trench-war debate between the “global North” and the “global South”, the Canadian government in 2001 initiated an international commission which came to be called the International Commission on Intervention and State Sovereignty (ICISS) (Evans, 2008a: 285). The commission was tasked with finding an answer to Kofi Annan’s question. More specifically, the commission was tasked with harmonising state sovereignty and outside intervention (Weiss, 2007: 98). They came up with the idea of turning the question of “a right to intervene” on its head (Evans, 2008a: 285). Rather than focusing on the possible existence of a *right* to intervene, a term labelled in the report as “unhelpful” (ICISS, 2001: 16), the commission suggested one should start talk about the individual states having the *primary* responsibility to protect its own citizens, while assigning a *secondary* responsibility to the international community to take the appropriate measures should any state, through incapacity or ill-will, fail to live up to its responsibility (Evans, 2008a: 285). Conceptually, the responsibility to protect was built around Francis Deng’s and Roberta Cohen’s term “sovereignty as responsibility”, which sprung out of their work in the early 1990s on state responsibility for refugees, which focused on sovereignty as accountability both internally and externally (Weiss, 2007: 22-3).

The report also contributed to broadening the debate in that it incorporated three components; the responsibility to *prevent, react and rebuild* (ICISS, 2001: 17). The broadening of the scope meant the focus was now less on reactive intervention and more on preventive aspects, as well as on the adoption of a more comprehensive toolbox for reactive measures.

Importantly, the report made two significant procedural suggestions concerning first, how to determine when it is legitimate to intervene, and second, how to deal with situations where the UN Security Council (UNSC) is deadlocked. On the first issue, the commission suggested the establishment of “threshold criteria” as well as “precautionary principles” in order to establish when intervention would be permissible (Wheeler, 2005: 97).⁶ In terms of the second issue, the commission proposed that the permanent five members of the UNSC should agree not to use their right to veto unless their vital security interests were at stake, in cases where there is majority support⁷ for authorising the use of force as a reaction to manifest or impending humanitarian catastrophe (ibid.: 97). As such, the ICISS-report represented a significant turn for the debate on humanitarian intervention, but it was also surrounded by a

⁶ It is interesting to note that the suggested threshold criteria and precautionary principles strongly resemble the ones found in the Just War-tradition. Cf.: (Fixdal and Smith, 1998).

⁷ By majority support it is meant that there would have to be a majority among the 15 members of the Security Council.

significant amount of controversy. The five permanent members of the UNSC in particular showed little enthusiasm for restricting their own powers. It is however important to note that the report represented an important landmark in the debate, as well as the start of the long and winding road towards UN consensus in 2005.⁸ And it is to this much debated consensus that I will now turn.

The 2005 UN consensus

R2P is undoubtedly a great slogan, though little else (Hehir, 2010: 234).

In the aftermath of the inclusion of paragraphs 138-140 in the 2005 UN Summit Outcome Document, where 191 heads of state committed themselves to what has become popularly known as the Responsibility to Protect, a triumphant mood seemed to emanate from proponents around the globe. As Nicholas Wheeler points out, it even led to bold assertions by state leaders that had this concept been in place a decade earlier, hundreds of thousands of lives would have been spared in Rwanda and Bosnia (Wheeler, 2005: 95). Calling it a “revolution in consciousness in international affairs”, American commentator Tod Lindberg echoed the same sentiment (quoted in Bellamy, 2006: 144). Among the most active participants in the debate Alex J. Bellamy concludes that despite the continued existence of practical problems as well as disagreements about what courses of action work best, the concept has helped in three important ways. First, it has added valuable impetus to reduce the risk of mass atrocities occurring, and should help to reduce the number of episodes. Second, the proposed early warning system inherent in R2P, though still in its infancy, should help identify crisis before they escalate. And third, the fact that R2P can be used as a means to view future crisis should help drive policy in a direction needed to develop political protection strategies, as well as increasing awareness of the problem (Bellamy, 2011: 200). However, all was not well.

From within the camp not principally opposed to the general cause of the R2P, Adrian Hehir has been one of the most vocal critics, arguing that the R2P does not adequately address the key sources of contention. Seeing as the mandate of the ICISS was to come up with an answer to Annan’s question of what to do when faced with grave humanitarian catastrophe and UNSC inability or unwillingness to act, Hehir argues that the two main issues have to do with

⁸ For a concise and comprehensive account of the UN process from ICISS-report to the inclusion of the Responsibility to Protect in the 2005 UN World Summit Outcome Document, see (Wheeler, 2005)

the question of authority and the threshold for intervention (Hehir, 2010: 224). Lending support to arguments also made by Bellamy and Wheeler, Hehir contends that neither the 2001 ICISS report nor the R2P as seen in the 2005 Outcome Document adequately addresses these questions (ibid.: 225-6).

In examining what he sees as the main reasons why the international community has a bad track record in terms of halting mass atrocities, Bellamy has examined what R2P has contributed in this respect. An important point for Bellamy seems to be that; “RtoP has not yet significantly impacted on the willingness of governments to contribute resources and people to preventing mass atrocities and protecting the victims” (Bellamy, 2011: 199). As he points out, the concept has not translated into institutional reform, and it is unclear what the principles included in R2P requires of third parties, thus making it inherently unclear who exactly has the responsibility to protect (ibid.: 199). Bellamy’s approach is echoed by Nicholas Wheeler, who notes that R2P is very vague and only says that, in a situation where the authorities are *manifestly* failing to protect their population, the international community is *prepared* to act on a *case-by-case* basis.⁹ Against this backdrop Wheeler argues that the fact that the concept does not do anything to address the problems of how to create political will and what to do in cases where the UNSC is unable or unwilling to act suggests further analysis is needed (Wheeler, 2005).

Criticising the inherent shift in R2P from *halting* crisis to *preventing* them, Hehir suggests that this shift could be resulting from a rift when it comes to what the debate should be about. Making this argument, Hehir refers to the question by Kofi Annan, claiming that the focus *there* was *reacting* to crisis. Importantly, he argues, the focus on prevention in the R2P constitutes an alteration from its original *raison d’être*, and, as he puts it, is “an answer to a question that was not asked”, at least not by Kofi Annan (Hehir, 2010: 228). Doing nothing to dispute the logical primacy of prevention, Hehir argues that the history of man is testimony to a propensity for large scale violence and aggression, underlining the need for effective response mechanisms (ibid.: 227). This argument is further underlined by Thomas G. Weiss who contends that the focus on prevention obscures this point, and that the requirement that violations must be manifest undermines the logic of saving lives (Weiss, 2007: 104).

The upshot of the critique seems to be that when it comes to offering a framework for instigating action to alleviate the suffering of those affected by mass-atrocity crimes, R2P has

⁹ For the full text of the paragraphs describing the R2P, see (UN, 2005: 30).

offered nothing new (Hehir, 2010: 230-2). Crucially, this is echoed by Weiss, who contends that in practice there is little evidence of any operational impact of the substantially new discourse about the R2P (Weiss, 2007: 3). Thus, he contends, “[...] changing the language has not changed the underlying political dynamics in the least.” (ibid.: 55), and, “The repeated failure to come to the rescue mocks the value of the emerging R2P norm [...]” (ibid.: 58). He further adds that “In effect, advances in norms have not changed the obvious reality that it is political will and military capacity, not considerations of state sovereignty, that determine whether or not humanitarian intervention takes place.” (ibid.: 122). This view is supported by Hehir, who contends that in sum, the fatal weakness of the R2P is that it is dependent on political will (Hehir, 2011: 25). As he puts it, “[...] ‘in-humanitarian non-intervention’ is a function of a lack of political will and this, rather than any political or legal restrictions, was the cause of the collective inertia in the face of the Rwandan genocide”. “Why this reluctance to accept a responsibility for the welfare of citizens suffering egregious human rights violations in other states should now dissipate in the face of the emergence of R2P is unclear”(ibid.: 2). Along the same trail of thought, Bellamy further adds that the R2P “has done little to increase the likelihood of preventing future Rwandas and Kosovos” (Bellamy, 2006: 145-6).

The above presentation of the debate provides two major lessons. First, the views expressed above indicate that it is hardly the case that the R2P provides adequate guidance when it comes to responding to crisis. Second, the scholarly debate on the issue is mostly confined to a discussion about the actual concept to the detriment of debating the issue at large. Crucially, both lessons prompt the question of where a source for theoretical progress can be found. However, a few words are in order for both lessons. In terms of the first, it is important to note that I do not claim to offer a complete analysis of the R2P. Indeed, the scope of my objective precludes me from doing so. There are several possible trajectories for its future development and it will likely form a central part of the scholarly debate for years to come. I have however tried to illuminate the manner in which R2P seems to fail to guide action in terms of *responding* to crisis. Hence, when it comes to the point of reacting, or rescue, the one with which I intend to engage, it is reasonable to argue that little progress has been made. Of course, its utility as a slogan or brand should not necessarily be underestimated, and one could argue that as such it has helped build up goodwill when dealing with mass-atrocity cases. Still, when it comes to how to *react*, little progress has been made, and lacking a consistent impartial enforcement regime, R2P has not been an effective rallying cry. Surely, there can be

little doubt that a “least common denominator” UN compromise must be somewhat lacking in terms of efficiency. Indeed, to paraphrase Bernard Williams, there is a question whether it could be anything else given the current composition of the UNSC (Williams, 2005: 152-3). It is therefore the *debate* along the R2P trail that runs into the, avoidable, problem of sporting little potential for action guidance. So, in terms of the second lesson, the propensity to argue solely on the subject of the actual concept leaves too much focus on what the R2P is or is supposed to be. This point is perhaps best illustrated by the division between early architects such as Gareth Evans and Edward Luck, who warn against the good being the enemy of the best (Evans, 2008a; Luck, 2010) and those such as Hehir and, in part, Bellamy, who adopt a more sceptical view. In sum the actual concept is not the end solution, the debate is not constructive and there is disagreement on what R2P really is. Therefore, both lessons seem to warrant a closer look to political theory.

1.4 Relevance and contributions

As King, Keohane and Verba have pointed out, research in social science should satisfy two criteria. First, they argue, “a research project should pose a question that is “important” in the real world”. And second, “a research project should make a specific contribution to an identifiable scholarly literature by increasing our collective ability to construct verified scientific explanations of some aspect of the world (Keohane et al., 1994: 15). Clearly meant for the more empirically oriented strands of social scientific research, I argue that these lessons are still important when engaging in normative theorising.

Thus, in terms of the importance of the theme, I argue that there can be little doubt that the question of international rescue is one of broad public appeal and one that is of a rather pressing nature. More specifically, in terms of the practical relevance for the broader society and policy makers, my contribution is to the ever relevant discussion on how to react to mass-atrocity crimes once imminent or underway.

When it comes to relevance for the scholarly debate, theory and theory development, the contribution that I intend to make is, first, that of furthering the debate on ideal and non-ideal theory and its implications for normative theorising and, by extension, second, how to theorise on difficult political issues such as that of international rescue. By contrasting and comparing a wide spectre of contributions to the debate I intend to create a more

comprehensive typology and coverage of the debate. Were it to turn out that the debate on ideal and non-ideal theory can be usefully applied to the debate about international rescue, it would prove a significant contribution to the field. In sum the theoretical contribution will take the form of a) a typology of the ideal/non-ideal debate, and b) showing its applicability to theorising on international rescue.

When it comes to the application of theories and the relationship between normative and positive theory, I intend to show that contributions from empirical political science can usefully be employed to inform the knowledge about contextual features that should concern political theorists. Through an example of how this might be done I intend to show how what I will call an interdisciplinary *dialogue* can be arranged, thus contributing to future theorising.

1.5 Contents

Having argued that there is good reason to look into the issue complex of international rescue from within the field of political theory, the next chapter will form a central stepping stone for the analysis. There I will present what I argue to be a representative and relevant example of contemporary political theory on the issue, namely the cosmopolitan theory of Simon Caney. Crucially, I will show that Caney runs into some of the same problems as has marred the debate on R2P and argue that his theory stops short of dealing with some of the most central concerns, and that there, consequently, is a case for a more action guiding approach to making political theory that is more sensitive to the traits of the world in which we live.

Proceeding from this argument, in chapter three I will present the meta-theoretical debate on ideal and non-ideal theory. This will perform the function of providing an analytical framework for suggesting how one might go about making more action-guiding political theory through greater attention to fact-sensitivity, in addition to contributing a typology of, and a new way of looking at, the debate.

This leads up to chapter four where I will build on the lessons from the ideal/non-ideal debate and suggest a framework for constructing more fact-sensitive political theory on the issue of international rescue. The central argument will be that through a greater sensitivity to facts and through a *dialogue* with the world theorists will be able to engage in more action-guiding theorising more sensitive to the problems facing actors on the ground. In chapter five I will exemplify the suggested methodological strategy through the use of mini case studies so as to

show how such a *dialogue* might be established. This will culminate in a list of points that I argue ought to inform future theorising.

In the last chapter I shall endeavour to sum up the main arguments and contributions and conclude that a greater sensitivity to facts will likely enhance the potential for action guidance in political theory, and that the framework presented in chapter three and the strategy suggested in chapters four and five will provide ample ground for such a theoretical development.

2 Political theory on international rescue – a contemporary example

In the introduction I made the argument that, given the deficiencies of the R2P-approach, it is a good idea to consider looking at political theory. It is now my intention to move on to what shall be the main objective, namely the role of political theory when it comes to analysing difficult political questions such as that of international rescue. With reference to the title, *Rescue Beyond Borders*, surely the argument that there is something “ideal” about the concept of international rescue is, if banal, highly plausible. However, and given the objective of looking at political theory, could it be that there is something ideal about that too? Indeed, I will argue that this example of political theory on international rescue has “ideal” aspects about it in ways that have to do with the question of *how* one goes about making political theory. By way of doing this I shall endeavour to examine the contribution of a, I would argue, typical example of political theory on the question of international rescue. This is to enable an oversight over where the field stands. Given that the ambition is not to examine arguments for and against intervention, the inclusion of an example from the *for*-side will suffice. A cosmopolitan approach represents a logical point of departure. When it comes to selecting a particular theoretical contribution from within the cosmopolitan tradition, I have focused on representativeness as well as contemporary relevance. In terms of the structure of the chapter, I will, in sections 2.1 to 2.6, provide a presentation of the theory before, in the last section, critically examining what insights should be drawn in terms of how to make progress with normative theorising on issues such as this.

2.1 Simon Caney’s liberal egalitarian cosmopolitan theory

Among the most relevant contemporary proponents of cosmopolitan theorising, Simon Caney has delivered one of the most comprehensive contributions to cosmopolitan theory on global justice, and his book *Justice Beyond Borders* has been lauded as “the best defence of a cosmopolitan approach to justice since Charles Beitz’s *Political Theory and International Relations*”¹⁰. In sum, I argue that Caney’s contribution represents a relevant and

¹⁰ Allen Buchanan made this remark. Printed in (Caney, 2005).

representative example of contemporary cosmopolitan theory. This is not to say that there are not important differences within the field, but for the present purposes I argue that this is a constructive point of departure.

Important to note however, is that the objective is not to examine the merits of the cosmopolitan ideals. Accordingly, the question of whether Caney is right when arguing that humanitarian intervention can be morally legitimate will have to be left to others. Rather, the central rationale for presenting his theory is to be able to get a better understanding of the role such theory plays in the contemporary debate. This will form a central stepping-stone in terms of answering my research question. From the presentation of the theory it will become clear that the cosmopolitan approach has important similarities with the R2P-approach in terms of what it recommends, but that it, also, runs into many of the same problems which have to do with action-guidance. It is this insight, pointing in turn to important meta-theoretical and methodological issues within political theory, which forms the basis for the knowledge gap that I will seek to fill by answering my research question.

2.2 Presenting the theory

Moving on to the specific contribution of Simon Caney, his theory builds on what he identifies as the three overarching principles underpinning all cosmopolitan theory; “the worth of individuals, equality, and the existence of obligations binding on all” (Caney, 2005: 4). How these principles form a central part of Caney’s theory on humanitarian intervention¹¹ will become clear in the following presentation. In defending his cosmopolitan approach on the specific issues Caney evaluates the cosmopolitan claims in relation to alternative perspectives, namely realism, the “society of states”-tradition and nationalism (ibid.: 3). In so doing he is concerned with question of “what we should do”, or, what he calls the third way of writing on ethical issues, namely a discussion of arguments for and against courses of action (ibid.: 16-7).¹² This particular point is worth noticing as it clarifies Caney’s ambitions.

¹¹ Caney uses the term “humanitarian intervention” in his presentation and for the sake of fairness and clarity I shall stick to that term during the course of the present chapter, although, as indicated in chapter one, I find the term “international rescue” to be more appropriate when discussing such matters.

¹² The first two ways of writing on ethical issues are, according to Caney: first, to focus on thinkers and assess their work, and, second, to focus on traditions of thought and assess their strengths and weaknesses (Caney, 2005: 16-7)

By way of presenting the arguments for and against a course of action, Caney's contends that his intention is to outline the general *principles* that should inform treatment of the issue under consideration. He is not looking to provide any definitive answers or solutions to *specific* issues¹³ (ibid.: 21). As he puts it, "[i]t articulates the principles that must be met and their rationales but does not generate specific concrete solutions" (ibid.: 22). As I will make clear, this qualification is important to bear in mind.

With a view towards establishing principles and their rationales Caney aims to answer whether, in cases where a political entity is harming its own citizens, there is a right or indeed a duty to intervene in order to protect the interests of those finding themselves in harm's way (ibid.: 26)

2.3 Definition

In order to achieve analytical clarity and transparency there is a need to establish what exactly it is that Caney is aiming to analyse. Important to note is that Caney employs a holistic approach aimed at encompassing elements from all relevant parts of his global theory of justice. Consequently, his argument draws on analysis of civil and political justice, distributive justice and the sources from which institutions claim their value (Caney, 2005: 235). As I will make clear, this approach has clear implications for his view on what constitutes humanitarian intervention.

The definition of humanitarian intervention that Caney develops involves a synthesis of the terms *intervention* and *humanitarian*. He starts from the definition of *intervention* provided by Hedley Bull, where intervention is conceived as; "dictatorial or coercive interference, by an outside party or parties, in the sphere of jurisdiction of a sovereign state, or more broadly of an independent political community" (quoted in Caney, 2005: 228). From this basis he makes two modifications. First, in order to avoid words which he considers to have obvious negative connotations, the use of 'dictatorial' and 'interference' are replaced by what he considers a more neutral phrase; "coercive action". Second, he takes care to avoid restricting his definition to instances where *states* are involved. As a result, he refers merely to *political regimes* in order to take into account both the institutional organisation of the world as it currently is *and* his vision of the world that he prescribes when considering the role of

¹³ It is worth noting that by this Caney seems to mean solutions to specific conflicts or cases (Caney, 2005: 22).

institutions in his global theory of justice (ibid.: 228-9). In terms of what “coercive action” entails, he employs a wide definition encompassing measures ranging from economic sanctions and weapons inspections to major deployments of troops (ibid.: 230-1). From this it is clear that Caney employs a somewhat wider definition of coercive than the one I presented in the introduction which drew on the work of Bernard Williams.

When it comes to the *humanitarian* part of the definition, he argues that, in terms of the motives of intervening agents, it is sufficient that *part* of the motive is humanitarian.¹⁴

Explaining why he does not consider it necessary for the motive to be purely humanitarian, he argues that with such a definition there would be no humanitarian interventions, and that there is little point in adopting a definition that would have little, if any, application to the world in which we live (ibid.: 230). Moving on, in terms of what the *humanitarian* part of the motive should be aimed at, he lists the protection of the “welfare” of the people in question, where “welfare” includes civil, political and economic rights (ibid.: 230). The focus on “welfare” is arguably wider than what is common in the scholarly debate on humanitarian intervention, and it differs radically from the focus of Williams but, under the circumstances, I argue that this is not of major importance.

In sum, the definition that he adopts for his analysis reads:

[C]oercive action by an outside part or parties, in the sphere of jurisdiction of a sovereign state, or more broadly of an independent political community which is undertaken, partly or exclusively, to protect the welfare of the members of that political community (ibid.: 230).

2.4 Assumptions

Making the argument for humanitarian intervention, Caney adopts a two-step approach, based on first, the four general cosmopolitan principles justifying humanitarian intervention and second, arguments from the cosmopolitan egalitarian liberal principles he advocates as part of his global theory of justice (Caney, 2005: 231-2). The reason for this two-fold approach is his view that the standard cosmopolitan argument is too abstracted and that it need some filling-in in order to provide “concrete guidance”(ibid.: 233). Despite the fact that Caney separates the two arguments, for the present purposes I find that combining them helps present his

¹⁴ I shall not enter here into a debate about the composition and role of motives.

argument more clearly. In so doing a comprehensive view of his argument becomes more accessible.

Claim one: moral individualism

The first claim of the cosmopolitan argument about humanitarian intervention is that individuals have a moral status or moral interests worthy of respect. Caney contends that it is possible to look at this from either one of the two approaches; moral interests or moral status. Without lingering on whether the value of human beings stems from their moral status or their moral interests, the principal conclusion is that such moral stature exists and that by consequence, it is worthy of protection (Caney, 2005: 232). Expanding on this claim, Caney adds that the specific meaning of the claim that individuals have interests or value should be thought of as including “egalitarian liberal civil, political and economic rights” (ibid.: 234). It is beyond the scope of the present presentation to elaborate in any meaningful detail on the specifics of such rights, so I shall merely point to the fact that Caney’s account of individual rights aimed to justify humanitarian intervention is indeed rather extensive. As Caney points out, other cosmopolitans such as Fernando Téson explicitly rule out economic interests as worthy of coercive protection (ibid.: 234).

Claim two: Value of institutions

As for the second claim in defence of humanitarian intervention, the central point is that political institutions and regimes only have moral value if they respect and promote the moral interests and the moral value of its citizens (Caney, 2005: 232). The point being that, for instance, a state has no moral value qua state, and that it only qualifies for any independent moral value insofar as it furthers the interests of its people. According to Caney, there are two ways in which to explicate this claim. First, the “instrumental” argument claims that institutions only have value if they act or function in a just manner towards people. Second, the “intrinsic” approach considers institutions to be legitimate if people have chosen or would choose to be governed by such an arrangement (ibid.: 232). Despite the differences between the two approaches, the underlying logic is the same. Political institutions can only be said to be just and legitimate when they respect the rights of individuals that follow from the first claim, which in the case of the liberal egalitarian cosmopolitan argument means respect for civil, political and economic rights (ibid.: 233-4).

Claim three: A duty to protect

Having already established that individuals have a moral status or interests, the third claim of the cosmopolitan argument is that the rights stemming from that assumption confers upon others a duty to protect said rights (Caney, 2005: 233). The importance of this claim becomes clear when one considers whether there is a *right* or an *obligation* to conduct humanitarian intervention. Seeing as Caney is generally aiming to defend the stronger proposition that there is an *obligation* to intervene, this third claim becomes unavoidable. It should be noted that when it comes to whether such a duty should be defined in a positive or negative manner, Caney contends that there is a general level of contestation and disagreement surrounding it (ibid.: 233).¹⁵ The liberal egalitarian cosmopolitanism adds to this claim that all humans have an obligation to protect the human rights of fellow human beings irrespective of whether they belong to the same state or nation (ibid.: 234).

Claim four: Ought implies can

The last argument in favour of humanitarian intervention is the rudimentary one that for humanitarian intervention to be legitimate, it must work (Caney, 2005: 233). In other words humanitarian intervention is a morally just manner in which to protect the interests of human beings if, and only if, it is an effective means for achieving this goal. As one would expect, the liberal egalitarian cosmopolitan approach has nothing to add on this practical matter.

Brought together the cosmopolitan argument of Caney reads that seeing as individuals have rights, and that institutions governing individuals have no intrinsic value independent of that which is conferred upon them from furthering the interests of individuals, that the rights of individuals confers upon other individuals an obligation to act to further and protect these rights and finally that humanitarian intervention can be an effective means through which to realise such goals, then, humanitarian intervention can be seen as legitimate and morally just.

2.5 When is humanitarian intervention legitimate?

By way of explaining *when* the above argument would serve to justify humanitarian intervention as legitimate, Caney draws on Just War-inspired *jus ad bellum* criteria.

¹⁵ For more on this, cf.: (Bagnoli, 2004)

In this regard, Caney emphasises two preliminary points. Considering *when* humanitarian intervention might be legitimate it is, first, important that the account of when humanitarian intervention is legitimate is coherent with the account of *why* it is legitimate. Second, when framing the argument for when it might be legitimate it is important to bear in mind the principles from the Just War-tradition (Caney, 2005: 247)¹⁶. In terms of the application of Just War principles Caney notes that seeing as his definition of coercive action is significantly wider than the one related to the Just War criteria, there is no perfect fit between his approach and the threshold criteria from the Just War-tradition. However, he considers there is sufficient congruence for the application of the principles to be constructive (ibid.: 248). Building on these assumptions, he maps out a list of the circumstances in which humanitarian intervention is justified.

Just cause

First, there must be a just cause. The oppressive regime in question must violate people's human rights. Recalling the first claim of his cosmopolitan argument, this entails violations of egalitarian liberal civil, political and economic rights (Caney, 2005: 248).

Proportionality

Second, the intervention must be a proportionate response to the violation(s) committed. This means that the coercive action taken to rectify the wrongs committed must not be disproportionate compared to the wrongs being committed. On this Caney contends that the action must be proportionate both for the people living in the targeted regime and to any third parties. In sum, adopting a consequentialist approach, he argues that the benefits provided by the coercive intervention must exceed the costs both to members and non-members of the regime that is the object of intervention (Caney, 2005: 248).

Last resort

Third, coercive intervention is only considered legitimate if "less awful measures" have been considered. On this two points are in need of attention. First, it is only required that less awful measures have been given due *consideration*. As Caney puts it, "[...] if there is overwhelming

¹⁶ For a comprehensive discussion and account of the application of Just War criteria to humanitarian intervention, see (Fixdal and Smith, 1998).

evidence for believing that another less severe option just will not work then it would be irresponsible, knowing this, to implement it nonetheless” (Caney, 2005: 249). Secondly, it should not be automatically assumed that military options are always the worst option. It is quite possible to imagine circumstances in which for instance economic sanctions would have worse repercussions for the population in the targeted regime. In sum the means used for intervention must be “less awful” than actions short of intervention (eg. diplomacy), and alternative interventionary actions, forming an external and an internal aspect respectively (ibid.: 249). Caney acknowledges that the application of what is considered “the least awful option” will have to depend on some technique for gauging awfulness. He suggests three possible strategies for this, but for the present purposes it will suffice to say that Caney contends such considerations will require considerable judgement in particular cases (ibid.: 249-50).

Probability of success

Fourth, the intervention must have a reasonable chance of success. There must, in other words, be an expectation that the coercive intervening action stands a reasonable chance of meeting its objectives. On this there is considerable room for interpretation, and it will require specifying what it means exactly to meet the objectives. It should, as Caney argues, for instance be considered whether “meeting the objectives” means creating a completely just situation on the ground or if the objective merely is to improve upon an already dire situation. Importantly, the question of what a “reasonable chance” means is open to interpretation. As Caney puts it, “[d]oes that mean a 50 per cent chance of working? Or 60 per cent? Or something else?” (Caney, 2005: 250).

Legitimate authority

Fifth, the intervention must be authorised by a legitimate body, bestowing upon it legitimate authority. In terms of which institution or which sorts of institutions are in possession of the authority to intervene or authorise intervention, Caney draws upon an argument from a different part of his global theory of justice where he argues that there is a case for “[...] transnational political institutions whose role it is to uphold persons’ civil, political and economic human rights”. By consequence, such institutions should have the authority to protect such rights (Caney, 2005: 250-1). However, Caney also considers the question of

legitimate authority in the absence of the preferred set of institutions. On this he contends that despite claims¹⁷ that legitimacy has no intrinsic value, meaning one ought not to take authority from an existing institution as an absolute prerequisite for intervening and that such a demand carries considerable costs in terms of lost time and efficiency, such a claim is implausible and that rather than forming a clash between order (procedural legitimacy) and justice, what is happening is a clash between two forms of justice; procedural and substantial justice (ibid.: 252). In other words he argues that legitimacy has intrinsic value and that it matters who makes decisions and how they are made. Therefore, the condition represents a procedural ideal of justice that is pitted against a substantive ideal of justice. In sum, Caney sees the objections to a demand for legitimate authority more as a reason to reform existing arrangements than as a reason to abandon the idea of legitimate authority (ibid.: 251-3).

Reasonable cost

To the five conditions explained above, Caney adds a sixth condition. According to Caney, this condition demands that the “intervention does not impose undue costs on the intervening authorities” (Caney, 2005: 253). Important to note is that on the question of costs on intervening agents, Caney contends that it is of major importance whether one is making the argument that intervention is a right, or whether it is a duty. Whereas the question of undue costs is not relevant for determining whether there is a right to intervene, Caney argues that “[...] where the costs are great it is sometimes reasonable to conclude that external bodies are not obligated to intervene” (ibid.: 253). However, Caney argues that in order to answer the question of what constitutes undue costs one needs to have an account of whether people have a stronger obligation of justice to fellow citizens or nationals than they have towards people from other states of political entities. From what Caney terms “ambitious cosmopolitanism”, it follows that people have the same obligations towards all people (ibid.: 253). Moreover, he argues that this question only arises in cases where the intervening agent is a state. If on the other hand the intervening agent is a “United Nations Volunteer Force”, then the question of whether to prioritise obligations of justice towards own or foreign citizens does not arise (ibid.: 254).

¹⁷ Caney uses Moellendorf (2002) as a representative for such claims.

2.6 Summary

In his normative account of humanitarian intervention Simon Caney builds his argument on three cosmopolitan principles and one principle of a more practical nature. He argues that seeing as individuals have moral rights worthy of protection, and that institutions have moral value only insofar as they protect or further the rights of individuals, outside parties have a duty to intervene in order to protect the rights of individuals. And, crucially, seeing as there is no reason in principle why coercive intervention cannot be a suitable means through which to protect the rights of individuals, humanitarian intervention is morally legitimate.

He then defends this argument against the critique that humanitarian intervention is; a) a violation of the right to self-determination, b) presumptuous and arrogant, c) destroys international stability and d) that it does not work (Caney, 2005: 235). Caney argues that none of these points represent any arguments why, in principle, humanitarian intervention is not legitimate. Rather, he contends that they mostly point to practical difficulties that do not in effect represent any principal objections (ibid.: 235-46). Having made the argument that humanitarian intervention is morally legitimate, he then examines *when* it is legitimate. Building on the principles from the Just War tradition, he contends that coercive humanitarian intervention is legitimate when there is a just cause; the intervention is undertaken with proportionate means; it is conducted as a last resort; there is sufficient probability of success; there is legitimate authority and; there are no undue costs on the intervening agents.

Recalling that an examination of whether Caney is right in arguing that humanitarian intervention is legitimate is not the aim of this analysis, the purpose of this chapter has been to provide a relevant example of contemporary cosmopolitan theory in order to show where typical political theory on this issue stands today. Crucially, and as I will now proceed to show, this forms a pivotal stepping stone in terms of addressing the question of how one ought to go about making political theory on difficult moral and political questions such as that of international rescue.

2.7 Implications for future theorising

Recalling from the introduction that the critique levied against the Responsibility to Protect (R2P) mostly has to do with its lack of prescriptions for creating political will to act and recommendations for institutional reform, I find that there are important resemblances with

Caney's prescriptions. While the two are clearly not identical entities, one political theory, the other a practical regime, there is a striking resemblance in terms of their respective prescriptions.

Importantly in terms of the resemblance to R2P, I find that there is a greater resemblance to the original R2P, seeing as the broad focus on "prevent, react and rebuild" in the ICISS-report (ICISS, 2001: 17) is mirrored in Caney's contention that the question of humanitarian intervention ought not to be considered in separation from other issues of global justice (Caney, 2005: 257). In addition, similarities are found in the use of the Just War-principles. In sum, mirroring the R2P in that he is silent on for instance *who* should intervene as well in lack of prescriptions for the world in which we live, including indeterminacy in terms of *when* to intervene which follows from the way in which he uses the Just War-principles, Caney presents a fairly similar argument. If not consequential in and of itself, this insight and the resulting apparent lack of potential for action guidance will nevertheless be an important point to bear in mind going forwards.

In light of this, a point that I find to be of particular interest is that Caney mostly focuses on the question of *whether* humanitarian intervention is a duty. However, nothing is said on, for instance, *who* should perform this duty, meaning that, by consequence, the duty lacks a subject. This is a common critique against cosmopolitan theories, and I find it reasonable to ask to what extent this is constructive for the debate. In terms of furthering the debate on how to react to mass atrocity crimes I argue that asking the question of *if* is not sufficiently ambitious and, according to common wisdom, is not what tends to hinder effective action.

Moving along this trail of thought, I find that Bernard Williams has made an interesting point with regards to the way in which to conceive of international rescue. Examining "[...] how far decisions to engage in international rescue can be helpfully modelled on private decisions under the moral principle of rescue", his answer is "not very far", a conclusion he supports using the argument that the decision to intervene in the international realm is bound to be what he calls "non-trivially political"¹⁸, thus exceeding individual morality (Williams, 2005:

¹⁸ By this Williams means that such decisions are not only subject to treatment by political organs (which would make them "trivially political"), but rather that "[a decision concerning whether to intervene] is a situation in which the sufferings of victims constitute one consideration among others in political decisions, decisions which have to be justified to people like other political decisions" (Williams, 2005: 153).

148). Indeed, someone has to decide to do it and, as he points out, many of those in favour of interventions as international rescue too often use the passive voice, saying only; *there ought to be intervention* (ibid.: 148, emphasis added). The parallel to Caney is obvious.

In sum, this leads to highly interesting analytical questions when it comes to how to go about making political theory on issues such as that of international rescue. If mainstream political theory on the issue is indeed modelled excessively on private morality and around subject-less questions of yes and no, could it be that this ought to entail certain consequences for future theorising? Indeed, Bernard Williams' point might indicate that political theory on international rescue is constructed without much regard for the circumstances of our world. Consequently, an upshot of Williams' argument is that it might be a good idea to go about making political theory on international rescue in a different way.

As I will make clear in chapter three, the above questions are central tenets in terms of the debate on *ideal and non-ideal theory*. Before proceeding it is however interesting to see what Caney himself has to say on this matter. In describing his own theory on humanitarian intervention, Caney claims that it is "non-ideal". As he puts it, "[a]n account of global political theory would [...] be radically incomplete if it were silent on what should happen in non-ideal circumstances" (Caney, 2005: 19). While there is no reason to argue that Caney is *wrong* in his conception, few people would disagree that circumstances in which mass-atrocities take place represent a pressing lack of compliance with the principles of justice, I do argue that his conception of ideal and non-ideal is incomplete. This lack of clarity leaves his argument open to a wider range of critical questions. In short, Caney's seems to be a theory that is non-ideal in that it takes the occurrence of mass-atrocity crimes into account but, strangely, is ideal in most other aspects. Is it, as an example, the case that compliance to the principles of justice represents the only difference between the ideal and the non-ideal, and is it sufficient for political theory to limit the discussion to the compliance of the basic principles of justice (not engaging in mass-atrocities), thus excluding compliance with the proposed measures (reacting to mass-atrocities)? Clearly, that theory, such as Caney's, is not directly applicable to the circumstances of our world should hardly come as a surprise. As Andrea Sangiovanni puts it, "[t]o be sure, the principles that should govern an ideal society cannot directly regulate our actions here and now." (ibid.: 221). But is it reasonable to leave the discussion at that and be satisfied with such a (limited) level of action-guidance?

However, and the question presents itself, could indeed normative political theory be asked to provide anything more? In what is to follow I will argue that there could indeed be more to normative political theory in terms of analysing such moral and political problems, and I will present a meta theoretical framework and strategy for making political theory more adept at action guidance and, by consequence, more able to help solve difficult political questions such as that of international rescue.

3 Action-guidance in political theory – a meta-theoretical debate

So far I have pointed the finger at what I consider to be a noticeable lack of potential for action-guidance inherent in the R2P and political theory in the guise of Caney. I argue that this indicates a need to give the issue of how to go about making political theory on issues such as international rescue further thought; hence my research objective. It is, however, not obvious how, if at all, one can achieve guidance in political theory. This begs further questions, pointing to the need for a comprehensive theoretical framework. But, what do I want from such a framework? It seems reasonable to ask to what extent it should at all be expected of normative political theory to have any action-guidance potential and, by extension, what sort of guidance it is reasonable to expect. As a means for elucidating these questions and by way of forming a comprehensive meta-theoretical framework for analysis, I will now turn to the debate on *ideal* and *non-ideal* theory, one that will prove a central element of the ensuing analysis. Despite the fact that much of the debate on ideal and non-ideal theory has taken place within the specific field of distributive justice, I argue that there is no plausible reason why the very same debate cannot be put to fruitful use also when it comes to other questions of justice, such as the question of international rescue. Indeed, and as will prove central to my argument in chapter four, the ideal/non-ideal framework provides ample opportunity for theoretical progress when it comes to theorising on issues such as international rescue.

The treatment of the debate will include, in the following order, a presentation and analysis of the main theoretical points of contention, a look to potential dangers and consequences of the respective types of theory and, lastly, an overview of the main theoretical insights that will inform the ensuing chapters. The main lesson from the chapter will be the argument that whereas *action-guidance* can usefully be seen as (part of) the output of theory, *sensitivity to facts and context* is the main differentiating factor with the terms *ideal* and *non-ideal* theory forming the overarching labels.

3.1 Introducing the debate on ideal and non-ideal theory

In recent years, the debate among political theorists on the meta-theoretical issue of how to go about *making* political theory has taken an interesting turn. This turn has been signified by a renewed focus on the concepts of *ideal* and *non-ideal* theory. What should we expect from political theory? To what extent should human nature, “social facts” and costs inform theory? However, the debate on ideal and non-ideal theory is not new. Indeed, John Rawls is often credited with coining the labels of *ideal* and *non-ideal* theory. In “A Theory of Justice” Rawls describes ideal theory as being constructed for situations where “[e]veryone is presumed to act justly and to do his part in upholding just institutions”. This is what Rawls calls “strict compliance theory” as opposed to “partial compliance theory”, or “nonideal” theory (Rawls, 1971: 8). Ideal theory, according to Rawls, has a logical priority over non-ideal theory seeing as “[...] it provides, [...], the only basis for the systematic grasp of these more pressing problems [such as wars, crime, rebellions]” (ibid.: 8-9). Accordingly, “[n]onideal theory is worked out after an ideal conception of justice has been chosen” (ibid.: 245). In sum, the crucial part of a Rawlsian understanding of the difference between the two terms is the concept of compliance. Should one then, as ideal theory prescribes, assume Rawlsian full compliance and the knowledge that full compliance is a universally known and accepted feature of society? I will argue that there is more to the debate than that. Is there, for instance, a need for ideal theory to precede non-ideal theory? Is ideal theory both necessary and sufficient, or none of the above? I shall endeavour to elucidate these and other questions but, by way of not getting ahead of myself, I shall first look further into the distinction between the ideal and the non-ideal, seeing as the distinction between ideal and non-ideal theory is often employed somewhat loosely. Indeed, according to Colin Farrelly there is no rigorous distinction between the two in the existing literature (Farrelly, 2007: 846). In general terms however, I find Andrea Sangiovanni’s definition useful:

The aim of ideal theory is to formulate principles for the governance of a society in which everyone complies with those principles, and that compliance is common knowledge. The aim of non-ideal theory, by contrast, is to articulate lower-level principles, precepts, and

*rules to guide decision-making in circumstances – our own – in which there is only partial compliance with principles (Sangiovanni, 2009: 221).*¹⁹

Important to note is that recent developments in the debate extend beyond the traditional Rawlsian conception of the distinction between the ideal and the non-ideal. In the following I shall therefore extend the discussion of the topic to what I shall term *the second phase* of the ideal/non-ideal debate. An important contribution in this respect comes from Laura Valentini who argues that the term ideal theory is often used to describe theory that is constructed under false or idealised *assumptions*, thereby making the social world appear a lot ‘simpler and better’ than it actually is (Valentini, 2009: 332). A different characteristic invoked about ideal theory is that it offers no immediate or workable solutions to real problems (Stemplowska, 2008: 319). Adding a further defining feature of the debate, some, such as Amartya Sen, Burke A. Hendrix and Colin Farrelly²⁰ argue that ideal theory is neither necessary nor sufficient and that one engage in such theorising at one’s peril. Others, such as G.A. Cohen, Andrew Mason and Holly Lawford-Smith²¹ argue that ideal theory is necessary in order to illuminate what is ultimately desirable and that it is indeed sufficient for political theorists to engage in ideal theorising. Accordingly, there seems to be a chasm between theorists examining the weaker claim that there is a need for attention to *both* ideal and non-ideal theory and theorists examining the stronger claim of whether there is any need for ideal theory at all. Indeed, as Laura Valentini contends, there is a concern that the gap between ideal theory and the world in which we live is unbridgeable (Valentini, 2009: 333). The above highlights an important insight, namely the fact that the debate has been characterised by a dichotomous approach. Zofia Stemplowska has suggested that this is due to different understandings of how to use the ideal and non-ideal labels, where some of those making the stronger claim are reserving the “ideal” label for what they argue is “useless theory” (Stemplowska, 2008: 322). However, I will argue that there is more to it than that.

The debate about the relative merits of ideal and non-ideal theory has triggered a raft of contributions offering views from both sides of the table. Despite the chasm of opinions in the debate there is little doubt that the significant amount of contributions has made the debate richer. However, and as should be clear from the above, the development of the debate has

¹⁹ Amartya Sen has also made a much cited contribution to the debate, but it should be noted that Sen uses different categories than most others. Rather than talking about ideal and non-ideal Sen introduces the terms “transcendental” and “comparative” theory, focusing on “identifying perfectly just societal arrangements” and the “ranking of alternative societal arrangements” respectively (Sen, 2006: 216).

²⁰ Cf.: (Sen, 2006; Hendrix, 2010a; Farrelly, 2007).

²¹ Cf.: (Cohen, 2003; Mason, 2004; Lawford-Smith, 2010).

been accompanied by an increasing complexity. By consequence, an important point to bear in mind is Stemplowska's crucial question of what the distinction between ideal and non-ideal theory is supposed to capture (ibid.: 321). In light of this I argue that a challenge when interpreting the different contributions to the debate is a lack of conceptual clarity and consistency when it comes to what I consider to be the central terms of the debate: *ideal and non-ideal theory*, *sensitivity to facts and context* and, *action-guidance*. As a means to examine how one ought to go about making political theory on issues such as that of international rescue, in what is to come I shall aspire to provide some clarity as to the main concepts and propose a third, or middle, way in which to conceive of the debate by suggesting a framework relating different notions of ideal and non-ideal theory, transcending the dichotomous approach. Crucially, I argue that an understanding of the terms and concepts relating to the debate would benefit from being interpreted as *scalar* rather than dichotomous, a view hitherto not widely adopted by most theorists. This will enable me to point out important differences both in substance and in nuance of terms and expressions between the main works constituting the debate, and, importantly, in a way consistent with the purposes of the analysis. In turn, this will form a central part of the analysis in chapter four, where I will suggest how one may constructively go about making political theory, on issues such as international rescue. However, before proceeding I believe it necessary to look further still into the different definitions and understandings of ideal and non-ideal theory.

According to Valentini, a theory may be ideal in a "non-technical" sense in that it proposes an ideal of a perfectly just world towards which one should aim. In other words, it is ideal in that it sets an ideal goal towards which one should aim one's efforts. A second way in which a theory may be ideal is in the sense that it is constructed under idealised or false assumptions, making it ideal in a "technical" way (Valentini, 2009: 338). In my subsequent analysis I will count both technical and non-technical idealisations as ideal, but it is important to note that it is the second conception of ideal that will be of most importance.

Presenting a related but not entirely similar distinction, Colin Farrelly considers the main distinguishing factor to be sensitivity to facts (Farrelly, 2007: 846-7). Stemplowska criticises this arguing that such a distinction leads Farrelly to the (mistaken) conclusion that one "must" turn to non-ideal theory if one is to have any hope of making progress with normative theory (Stemplowska, 2008: 321). Stemplowska's argument seems to centre on the point that the traditional distinction between ideal and non-ideal theory has focused on *input*, for instance

the assumption of full compliance on behalf of actors. Her argument is that such an approach is not constructive and that it would be more useful to differentiate with regard to the *function* of theory (ibid.: 324). In terms of what types of output the normative theory produces, she contends that some theories make recommendations that are *both* “achievable and desirable” while others don’t, and that it is this difference that ought to define the distinction between ideal and non-ideal theory (ibid.: 324). One of the main advantages of such an approach, she argues, is that it does not prejudge the role of ideal theory (ibid.: 325). However, I argue that the question of ideal and non-ideal theory ought to be understood in terms of *both* input and output.

Having introduced the general theme of the ideal/non-ideal debate, I shall now turn to a more in-depth analysis of the specific content of the main points of contention. In the following I will present what I consider to be the main components of the ideal/non-ideal debate; fact-sensitivity, action-guidance, possible dangers of ideal theorising, and the issue of the possible sufficiency and necessity of ideal theory. Beginning with the issue of fact-sensitivity, I will argue why it is constructive to adopt a scalar conception of the term. Extending the argument, I contend that the field of normative theorising would benefit from an understanding of ideal and non-ideal theory as *complementary* rather than dichotomous and, thereby, mutually exclusive.

3.2 On fact-sensitivity

An initial clarification is in order. Arguably there is a difference between facts and context. Underlining this critical difference is Burke A. Hendrix who points out two central categories of facts that can, as he puts it, be “abstracted” away. The first category consists of the inherent limitations that exist on human agents at any given time even under the most favourable of circumstances (Hendrix, 2010a: 2-3). The second category concerns imagining away too many of the traits of the social and political world that is currently around us, in other words historical, political and social context (ibid.: 3-5). Whereas facts encompass both natural and inherent facts about human nature *and* facts about social phenomena, history and politics, context refers only to the situated facts about the social world as it currently is. Moving on, it is this interpretation that will form the basis of the discussion.

According to Colin Farrelly, a central problem with much contemporary political theory is that it idealises the conditions to which it is applied. Using the theories of Rawls and Dworkin as examples Farrelly argues that such theory, ideal because of its idealisations, is cost blind and that the assumption of full compliance is problematic (Farrelly, 2007: 844). The key to understanding Farrelly's take on the debate however is an interpretation of ideal and non-ideal theory in terms of *fact-sensitivity*. Farrelly suggests a spectrum of fact-sensitivity spanning from an extreme ideal to the extreme non-ideal. In line with the above distinction of facts and context, Farrelly seems to employ the term *facts* in much the same way.

The spectrum of fact-sensitivity is meant to capture and help organise the universe of political theories, with their varying emphasis and consideration of *facts* (ibid.: 846-7). This begs further explanation. Whereas towards the ideal far end of the scale there is danger of theory being impotent due to a lack of recognition of known traits of the world such as costs and potential for compliance, on the non-ideal far end there is danger of what Farrelly, quoting Mason²², labels 'adaptive preference formation' where all current social features are taken for granted and seen as legitimate constraints eluding any form of change, and giving the status quo an artificial preference (ibid.: 846). According to this argument concerns are raised when it comes to the ability of ideal theory to judge relative justness and to choose between alternative courses of action (ibid.: 853)²³. The upshot of this seems to be that sensitivity to facts impacts on potential for action-guidance.

Graphically, Farrelly's model of fact-sensitivity is presented as:

²² See (Mason, 2004)

²³ According to Stemplowska (2008: 325), this can fruitfully be considered to correspond to Sen's discussion about the merits of the "transcendental" versus the "comparitive" approach (Sen, 2006).

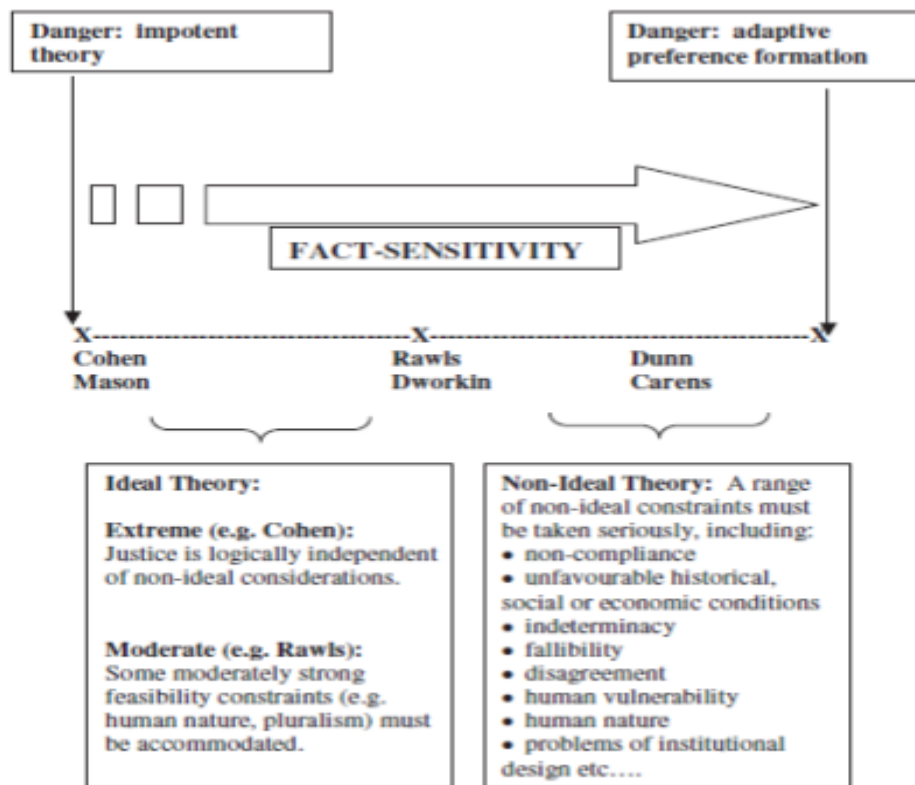


Figure 3.1: The Farrelly-scale

(Farrelly, 2007: 847).

Perhaps in part because of this scalar conception of fact sensitivity Farrelly contends that much of the debate taking place concerning ideal and non-ideal theory relates to *which* particular constraints a theory of justice should function within (Farrelly, 2007: 847). Indeed, as Stemplowska has pointed out, there is no shortage of real world features that could potentially be bracketed off (Stemplowska, 2008: 320). Arguably, this is an important contention. It seems therefore that the question of what constitutes relevant facts and context cannot be established a priori and ought instead to be considered in relation to a particular issue. At this stage however, I argue that it will suffice to present an overview of the theoretical concept as such. By consequence, the issue of fact- and context-sensitivity in terms of the case of international rescue will be dealt with at length in chapters four and five.

On the issue of fact-sensitivity Valentini joins Farrelly in distinguishing between fact-sensitive and fact-insensitive theories. However, Valentini employs a different understanding of the distinction. Whereas Farrelly considers fact-sensitive and fact-insensitive theories as being part of a continuum, Valentini urges caution against such an approach. She argues that

since the two forms of theory conceive of the question of “what is justice” in different terms, it is not meaningful to position them on the same continuum (Valentini, 2009: 335). But, as I will show, the difference between Farrelly and Valentini on this issue is not unbridgeable.

In order to understand Valentini’s argument there is a need to delve further into what it is exactly that she means by *fact-insensitive* theory. Her distinction builds on that made by G.A. Cohen²⁴ between fact-sensitive and fact-insensitive theories (ibid.: 334). When using the term she refers to theories that deal with justice in “its pure form” uncontaminated by the social world in which we live. Valentini argues that the main difference between Farrelly and herself lies in relation to “empirical facts” about human nature and existing social arrangements respectively (ibid.: 334). On this Valentini quotes Cohen who states that political theory is about ‘[...] what we should think even when what we should think makes *no* practical difference’ (ibid.: 336). By contrast, she argues that fact-sensitive theories only see questions of justice *in connection to* social facts such as human nature and existing social arrangements (ibid.: 334-5). In short Valentini argues that fact-sensitive theories are premised on the idea that principles and theories of justice should perform a specific function, whereas fact-insensitive theories enlist no such ambition (ibid.: 335). As she puts it, “[highly abstract theories] do not consider a capacity for guidance as a necessary condition for the validity of a conception of justice [...]” (ibid.: 336). Hence, she argues, a key difference is seen in terms of functional approach (ibid.: 335). Based on this I argue that on this issue the difference between Farrelly and Valentini lies in the fact that Farrelly includes *every* degree of fact-sensitivity, whereas Valentini seems to argue that theories which expressly does not consider itself in relation to any facts at all ought to be considered a category of their own, positioned outside the general spectrum.

One could of course ask whether it makes sense at all to understand questions of justice in the way of fact-insensitive theory. However, despite being an interesting question it is not one which I will deal with here. Still, in light of Valentini’s critique of the concept of a spectrum when it comes to how to conceive of fact-sensitivity I find it useful to modify the *Farrelly-scale* so as to make it better equipped to illustrate the trade-offs inherent in the choice between ideal and non-ideal theory; or rather, between theories of varying degrees of idealisation. In other words, Valentini’s view should be interpreted not so much an argument *against* a scalar conception as an argument *for* a continuum with certain modifications;

²⁴ See (Cohen, 2003)

namely that the completely *fact-insensitive* theories ought to be excluded from the graded continuum. Based on this, I argue that fact-sensitivity should indeed be considered as scalar. This conception will form a central pillar of the continued analysis.

3.3 Should political theory be action-guiding?

Unfortunately, the tendency to see our aspirations as far more directly action-guiding than they can be is a venerable and recurrent temptation – at its core, it may even constitute our most severe cognitive limitation (Hendrix, 2010a: 7).

Having outlined an argument for why it is constructive to understand fact-sensitivity as scalar, I shall now turn to the question of action-guidance, and argue that the concept of action-guidance ought to be understood in a similar way. Arguing that ideal theory, due to its blindness to costs and compliance-issues, fails to address the trade-offs that invariably arise in real societies, Farrelly raises the more general point that it is important for political theorists to take in the methodological issue of *what* political theory is supposed to accomplish and, more specifically, how ideal theory deals with that (Farrelly, 2007: 844). As mentioned in the previous section, some theorists have no ambition of making theory which has any relevance for the world in which we live, pure intellectual relevance set aside. However, Valentini contends that “[a] capacity for guidance is widely considered as a necessary attribute for any sound normative theory [...]” (Valentini, 2009: 333). This claim is supported by Sangiovanni who claims that “[t]he point of setting out systematic accounts of political values is to guide action” (Sangiovanni, 2009: 220). The relationship between action-guidance and ideal/non-ideal theory is illustrated by Stemplowska who argues that a main differentiating feature between ideal and non-ideal theory concerns the degree to which theory contains a type of output which may be called recommendations (Stemplowska, 2008: 323). In terms of action-guidance Colin Farrelly adopts the same view as Valentini, and argues that theory should be able to function as a guide for action, and that theory that fails this test fails as normative theory (Farrelly, 2007: 844). In sum, this might seem an appropriate answer to the question raised in the heading of this part, but I argue that there is more to it than that. Arguably, it is not meaningful to present the question of action-guidance as a simple yes-or no question. Indeed, the question is not either/or but less or more.

Hence, the question to be asked should be along the lines of the *extent* to which political theory should guide action, and, by extension, *how* action-guidance can be achieved. Judging

by the debate on the relative merits of ideal and non-ideal theory, there are clearly diverging views when it comes to the degree of appropriate action-guidance. For instance, it seems Valentini understands action-guidance “[...] in the sense of offering a framework of thought from within which to assess, criticize and reform the way power is exercised within society” (Valentini, 2009: 337). This indicates an abstracted conception of how much and what kind of guidance that political theory can reasonably be expected to contribute, and seems to follow from her focus on guidance coming from the *principles* of ideal theory.

A slightly different interpretation of the appropriate degree of action-guidance can be found in the works of Burke A. Hendrix. Indicating an ambition for political theory to be action-guiding on a more specific and policy-relevant level, Hendrix, arguing in favour of a more context-sensitive approach, asserts that “[...] our normative goals should focus on political action rather than simply words [...]” (Hendrix, 2010a: 18), and that “[u]ltimately, the goal of normative theorizing is to help ourselves and those who read our work to better navigate the social world” (ibid.: 14).

The above provides an illustration of the fact that there is considerable variation when it comes to opinions about the appropriate degree of action-guidance. In light of this it seems implausible that an answer to the questions of how to guide action and how much action-guidance is appropriate can be answered a priori. Hence, such questions ought not to be considered in separation from the aims of theory. This is not to say that there are not more and less appropriate degrees of action-guidance. Consequently, I argue that it is fruitful to consider even the concept of action-guidance as being scalar and, crucially, linked to the respective aims of ideal and non-ideal theory. If perhaps not controversial, this is a point not explicitly recognised in the debate.

In sum the crucial point is an understanding of the issue of action-guidance as inter-linked with questions of fact-sensitivity and, more generally, more or less idealised theory. Consequently, I argue that it is constructive to consider different degrees of action-guidance as the output of theory, with sensitivity to facts and context as an intervening variable, or rather, input, and ideal and non-ideal theory as overarching labels. Graphically, the argument can be presented as:

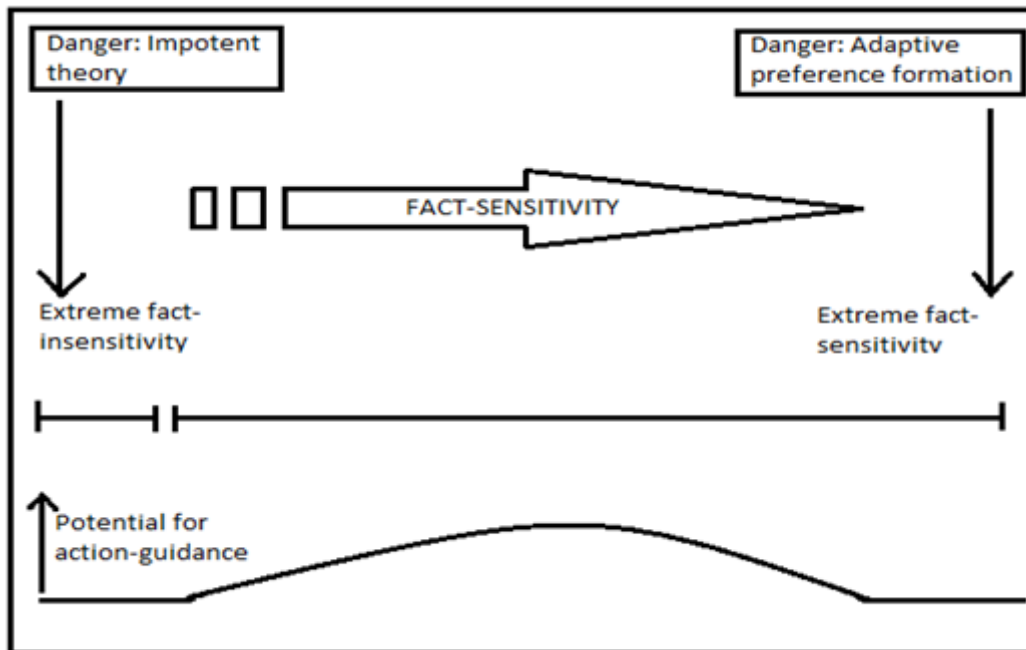


Figure 3.2: The spectre of political theory.

(adapted from Farrelly, 2007: 847)²⁵

3.4 Relevance of the debate – the paradox and dangers of ideal theory

Having examined the frame and contours as well as what I consider to be the central variables of the ideal/non-ideal debate, I will now turn to the question of what constitutes the real *significance* of the issue. Presenting a crucial element for an understanding of the motivation and rationale for my analysis, I will point out the significance of the ideal/non-ideal debate for the *making* of political theory. More specifically, I will focus on potential dangers that too idealised theory is allegedly vulnerable to.

According to Laura Valentini, one of the central reasons why the ideal/non-ideal debate is important for political theory is a scholarly concern that “[...] the gap between [...] ideal theories and our non-ideal circumstances might be unbridgeable”, thus presenting ideal political theory with a substantial problem (Valentini, 2009: 333). For Valentini, this problem is framed in terms of potential for action-guidance, which, as mentioned, she considers a

²⁵ Importantly, this model is not meant to accurately describe the degree of guidance, and should be considered as but an illustration.

necessity for normative theory (ibid.: 333). Combining this assumption with the view²⁶ that ideal theory is also indispensable in guiding action, Valentini has formulated what she calls the “paradox of ideal theory”, which reads:

a) Any sound theory of justice is action-guiding.

b) Any sound theory of justice is ideal.

c) Any ideal theory fails to be action-guiding. (ibid.: 333).

It should be noted that Valentini has formulated her guidance-critique with a view to examining whether *ideal* theory is *necessarily* caught by her paradox. Had the sole objective of my analysis been to investigate whether the making of ideal theory is futile, following the exact steps of Valentini’s test might have been an appropriate solution. However, in line with my research objective the more general point she raises about the dangers of lack of action-guidance is of greater interest. I contend that there is no reason why her framework cannot be brought to bear on a broader conception of normative political theory, and not only on what Valentini would count as the ideal end of the spectrum. This follows logically from the scalar conception of the ideal/non-ideal debate which provides a clear indication of the appropriateness of this interpretation.

By consequence, the most relevant part of Valentini’s analysis is her three interpretations of the guidance-critique, or perhaps more specifically, her three tests of how (ideal) normative theory might fall into the non-guidance trap, part of step c) in her paradox. Each in their separate way, Valentini’s three formulations of the guidance-critique contributes to shed light on the ways in which normative theory can fail to be action-guiding. As I will show, not all of them are theoretically interesting and not all of them are relevant at all levels of ambition for action-guidance. Given the purpose of the present analysis, I argue that this is unproblematic. Therefore, when I quote Valentini when she writes “ideal” theory, one ought not to think of it as meaning *only* ideal theory, in the strict sense, and I will use these steps while making sure to supplement them with views from other theorists where necessary.

²⁶ As mentioned, not all theorists share the view that ideal theory is indispensable for guiding action. For instance, Amartya Sen and Colin Farrelly seem to disagree. Cf.: (Sen, 2006; Farrelly, 2007)

Guidance Critique 1: People do not follow it

The first guidance-critique contends that “[...] ideal theory lacks a capacity for guidance because in practice it fails to *motivate* existing agents: in practice, ‘it does not work’” (Valentini, 2009: 340). In other words, theory lacks a capacity for guidance if agents do not follow its advice. According to Valentini, this critique has nothing much interesting about it from a theoretical perspective. Hence she argues that provided the recommendations of theory can reasonably be expected to be complied with, given our best account of “human motivation”, there is little reason to accuse a theory for lacking a potential for guidance if agents decide not to comply with it (ibid.: 340). However, the formulation of this critique is puzzling, and begs further explanation. The equation of “fails to *motivate*” with the failure of agents to comply is questionable at the least, as is her mere assumption of theories containing “our best account of human motivation”. As pointed out when explaining the difference between *facts* and *context*, an account of human motivation is a central variable that can be idealised away, making it potentially risky simply to assume its presence. Consequently, when Valentini assumes the presence of “our best account of human motivation”, she automatically excludes theories that have idealised away inherent facts of human nature from the field of application, making her guidance-critique less potent in the process. However, there is every reason to agree with Valentini in asserting that *actual* non-compliance with the principles and recommendations of theory is a poor measure of the adequacy of a theory in terms of potential for action-guidance. After all, agents may have any number of reasons not to comply. Still, the inclusion of accounts of human motivation is a point that ought to be included when framing questions of action-guidance. The focal point is; do agents not follow theory because theory adopts a flawed account of human motivation, or do they not follow it for some other, unrelated, reason? The upshot of this contention is that what theory does or does not take into account matters.

Guidance Critique 2: Not immediately applicable

The second guidance-critique contends that “[i]deal theories of justice might be said to lack a capacity for guidance because they are not *immediately* applicable to day-to-day political decisions” (Valentini, 2009: 340). This articulation of the guidance-critique is, she argues, not a serious threat because it is unreasonable to expect theory to deal with every particular situation. In other words, there are limitations as to *how* fact-sensitive theory should or indeed can be in order to maintain its capacity as *normative political theory*. According to her

argument, principles derived from theory have value in and of themselves, and the fact that such principles can always be given different interpretations in particular situations is no reason to discard them. So doing would be to “[...]deny the value of theorising as such [...]” (ibid.: 341).

Therefore, Valentini argues that the second guidance critique, by way of calling legitimate omissions by the name of lacking potential for guidance, is not a credible threat to ideal theorising (ibid.: 341). For the present purposes however, the main point is not that ideal theory, as defined by Valentini, escapes this critique. I argue that the critique does not pose a sufficiently tough test seeing as few theorists would argue in favour of theory being *immediately* applicable to particular situations. Consequently, the point is that the critique points to *omissions* which may, or may not, be theoretically relevant. Bearing in mind my contention that the ideal/non-ideal spectrum ought to be considered as scalar, I argue that this second guidance critique points to the possibility of theories of different degrees of idealisation being vulnerable to different degrees of omissions. Accordingly, the argument that theories with a high degree of idealisation are not threatened by not being *immediately* applicable to day-to-day political decisions does not necessarily mean that less-idealised theories are not vulnerable to other sorts of omissions. As one approaches the non-ideal part of the spectrum, such omissions may be but relevant context. Although, I would like to add that taken too far in the direction of immediate applicability, the demand for guidance poses no reasonable threat to anything that may legitimately be called political theory. In sum, the second guidance critique, when interpreted as scalar, presents theoretically interesting questions in terms of the appropriate degree of guidance whilst also representing a warning that the term *normative political theory* ought not to be stretched too far. Once again the upshot of the argument is that what theory takes into account matters.

Guidance Critique 3: Irrelevant or destructive?

The third and final guidance-critique that Valentini presents is concerned with whether ideal theory can be charged with the rather serious contention that it is at best irrelevant and at worst morally destructive (Valentini, 2009: 341). Valentini summarises the critique as “[...] if we apply principles developed under ideal conditions to real-world circumstances – namely those circumstances for which they have allegedly been designed – we are bound to obtain morally counterintuitive results” (ibid.: 341). Valentini enquires into whether ideal theory is

bound to be vulnerable to this critique. Hence, it is a question not only of whether ideal theory is *insufficient*, but of whether it is of any use at all. The answer, according to Valentini's argument, is that the critique is viable only for theories which entail "an idealised account of the subject to which it is meant to *apply*, and not merely by virtue of it being constructed under idealised assumptions" (ibid.: 334).²⁷

The third guidance critique presents a tough test that is more interesting in terms of exposing *bad* or *flawed* ideal theory than in terms of providing reasons for a shift to non-ideal theory in general (ibid.: 352,355). In line with a general argument that one should adopt conscious view of what one is aiming to achieve with theory, and as I will point out in the next section, there is not necessarily wrong with ideal theory per se. In this respect it is important to remember that what Valentini sets out to do is to investigate whether *principles* from ideal theory are bound to be irrelevant or morally destructive. Accordingly, it seems probable that it provides an important test but that it is only relevant for a limited category of theories. Bearing this in mind will prove important for an understanding of the subsequent analysis.

Following on from Valentini's concerns about the (possible) inherent paradox of ideal theory, Burke A. Hendrix voices a critique with similarly important potential consequences for normative political theorising. Indeed, just as with Valentini, it is theory that is at worst morally misleading and at best irrelevant for guidance purposes that is the rationale for his labelling of overly idealising theorists as potentially "dangerous social actors" (Hendrix, 2010a). As Hendrix puts it, "[...] different degrees of attention to social context can lead to very different kinds of normative judgements" (ibid.: 2). Specifically, Hendrix is concerned with two distinct arguments or questions. The first of these is about whether there are certain ways of normative analysis that are more appropriate than others, given the world in which we live. The second being whether one should abstain from "abstracted" normative analysis more generally (ibid.: 1). An underlying element in his argument, and one relevant for my conception of the debate as well, is his assertion that what leads to the different understandings of what moral questions are at stake is different degrees of fact-sensitivity or, in Hendrix's terms, attention to context. Notwithstanding the specific terminology, the important point is the conception of such sensitivity as scalar, with the too-idealised end of the spectrum posing potential dangers.

²⁷ A parallel is seen with Onora O'Neill who contends that one ought to distinguish between *abstraction* and *idealisation*, which have to do with ignoring complexities and making falsehoods respectively (O'Neill, 1996: 40-1).

Moving on to the exact nature of the dangers of too much idealisation, Hendrix emphasises two ways in which too abstract theory can lead theorists and the general public astray. The first pitfall is to imagine away too many of the inherent limitations, or non-contextual facts, that exist on human agents at any given time even under the most favourable of circumstances. In other words, making theory that is inconsistent with what one could call unavoidable human limits (ibid.: 2-3). According to Hendrix, this first danger of too idealised theorising has been a common feature of the ideal/non-ideal debate (ibid.: 3). The second danger on the other hand, he argues, has been a less prominent factor in the debate, contributing potentially to exacerbating the inherent danger. In essence, the second danger is about imagining away too many of the traits of the social and political world that is currently around us, meaning contextual, external facts (ibid.: 3-5).

In line with the argument so far, Hendrix' warning represents an important contention, and at face value I see little reason to doubt its plausibility. However, more in depth analysis is required in order to get to grips with the true meaning of these dangers for normative theorising. Looking at the first danger, Hendrix contends that his argument relies on John Rawls' assertion that human beings are inherently limited creatures when it comes to cognitive abilities (ibid.: 3). It follows from this that for political theory to be relevant in terms of providing guidance on real issues; it should deal with the inherent limitations of man. In essence, the first danger is about the omission of general assumptions of human nature, meaning cognitive and moral failings and imperfections (ibid.: 3). In line with my assertion in section 3.2, it is appropriate to consider this first of the two dangers as being more inherent than contextual or, if one insists on using the term *context*, perhaps rather an *omnipresent* contextual factor.

As for the second potential danger, this is comparatively new in the ideal/non-ideal debate and plays an important role in what I have earlier coined the *second phase* of the debate. In short the second danger suggested by Hendrix concerns imagining away, or not taking sufficient account of, the social facts and contextual features surrounding moral actors in the present time and in relevant situations. Put differently, Hendrix cautions against moving too far beyond or away from the character of the political and social world as it exists in our very own time and place (Hendrix, 2010a: 4). Inherent in Hendrix's argument is an assumption about what normative theory is supposed to accomplish when it comes to action-guidance. Consequently, I argue that the context provided by human and material factors at any one

time represents an important tool for making precise and policy-relevant normative political theory, all the more so when moving towards the non-ideal end of the spectrum.

In sum, and as a remedy to his concerns, Hendrix proposes a move from an idealised to a more contextualised, non-ideal, way of making normative political theory (ibid.: 17-8). The way I see it, the upshot of this move illustrates that the relevant moral questions change from one level of abstraction and idealisation to another, an insight clearly relevant for the question of how to go about theorising on an issue such as international rescue.

3.5 Ideal theory; necessary, sufficient or neither

In this part of the presentation of the ideal/non-ideal debate I will look to the central issue of what *role* ideal theory can or indeed should play in light of the concerns that have been raised against it. As mentioned at the beginning of this chapter, the debate has been characterised by stark differences when it comes to whether there is any need for ideal theory at all. A quick look at the most prominent contributions to the debate reveals that questions of sufficiency and necessity are answered in quite different ways. Accordingly, and as should be clear from the above, there is no cross-field consensus on the issue. Indeed, the question of whether ideal theory performs any constructive function at all frequently arises, a contention most prominently performed by Sen, Hendrix and Farrelly²⁸. In line with my argument that the debate ought to be considered in terms of a continuum of theories, what I discuss here thus relates to the possible sufficiency and necessity of theories towards the ideal extreme end of the spectrum of theories.²⁹

It follows from the above that the role of ideal theory is quite clearly a part of the debate that should not be ignored and one which may shed light on a) the scholarly debate on ideal and non-ideal theory, and b) what role ideal theory can or should play when theorising on an issue such as international rescue.

In terms of the necessity of ideal theory, an important point is noted by Valentini, who asks: “How could we formulate judgements about the justice and injustice of society, let alone promote institutional reform, without having an ideal of what a just society looks like?” (Valentini, 2009: 333). Lending support to this argument, Stemplowska argues that ideal

²⁸ Cf.: (Sen, 2006; Hendrix, 2010a; Farrelly, 2007)

²⁹ Where the exact cut off point is in terms of this is not an issue that I can treat in any length here, but it seems plausible that it cannot be established a priori.

theory is useful in that it helps us see principles and problems more clearly, and that it “[...] uncovers, clarifies, and safeguards our normative commitments” (Stemplowska, 2008: 339). Intuitively, this offers a plausible argument. However, bearing in mind the critique presented against too ideal theory in terms of potential for action-guidance, I find reason to adhere to Sangiovanni’s view that “[w]hile ideal theory is necessary for non-ideal theory, it is not sufficient” (Sangiovanni, 2009: 221). In sum it seems there is room for both ideal and non-ideal theory but that it would be useful to consider the two to be complementary and, by consequence, fulfilling slightly different functions. This is supported by Stemplowska’s argument that the debate over the merits of ideal and non-ideal theory can only be productive if we avoid treating ideal and non-ideal approaches to political theory as rival (Stemplowska, 2008: 319). The upshot of the argument is that one can fruitfully combine ideal and non-ideal theories so as to deal with different aspects of the same problem (ibid.: 326).

3.6 Concluding remarks

In this chapter I have focused on the debate on ideal and non-ideal theory. In sum I have argued that the main components of the ideal/non-ideal debate are fact-sensitivity and potential for action-guidance. Specifically, I have shown that the concept of fact-sensitivity ought to be considered as being scalar while making an exception for theories which have the aim of presenting a pure form of justice that need not be sensitive to anything about the facts of human nature and social context. I have also shown that such a scalar conception is constructive when it comes to action-guidance. Bearing in mind that one should have a conscious approach to what one is aiming to achieve with normative theorising, the appropriate degree of action-guidance is inherently linked to what one is aiming to achieve.

The main theoretical insight, I argue, constituting a new typology of the debate, is that the debate should be understood in terms of action-guidance being the main output, with fact-sensitivity as the main intervening variable, and finally, the terms ideal and non-ideal as overarching labels indicating the content and ambition for normative theories. A critical point is that the scholarly debate on the issue has largely focused on whether there is any need at all for ideal theory, and a lot less on what different forms of theory have to contribute to normative theorising as a whole. As Stemplowska puts it,

[...] questioning the purpose of ideal theory as such will simply take us a step backwards rather than help us with what we should be striving to achieve, namely, bringing

political science and normative theory closer together is we are to solve the urgent practical questions that confront our societies (Stemplowska, 2008: 340).

This last point presents an important challenge in terms of answering my research question and, despite the fact that the scholarly debate has, so far, been centred on the merits of ideal theory per se, I argue that the debate provides the foundation for a meta-theoretical framework in terms of how to make political theory. Consequently, and as I will make clear in the ensuing chapter, the debate on ideal and non-ideal theory provides an important stepping-stone in terms of analysing how one should go about making political theory on issues such as that of international rescue.

4 Applying the ideal/non-ideal framework

In this chapter I will suggest a strategy for how one can successfully engage in more context-sensitive theorising on the issue of international rescue. In conjunction with the lessons from contemporary political theory, as exemplified by Simon Caney, in chapter two and the meta-theoretical framework on ideal and non-ideal theory in chapter three, this strategy will play an important part in answering my research question; *How ought we to go about treating difficult political questions such as that of international rescue within the field of political theory?* By way of doing this I shall, first, reiterate the most relevant lessons from the ideal/non-ideal framework before proceeding to an argument for why it would be a good idea for political theory, in order to achieve a greater potential for action-guidance, to engage in what I shall call a *dialogue* with empirical political science. In the last part of the chapter I will suggest how this might be done in praxis.

4.1 Strategies for non-ideal theory

I shall start with a brief recap of the lessons from the previous chapter and the ideal/non-ideal debate. Remembering that the positions in the debate have been characterised by a dichotomous approach in terms of the respective roles of ideal and non-ideal theory, I made the argument that the central variables, ideal/non-ideal, fact-sensitivity and potential for action-guidance, ought to be considered as scalar. In other words, it makes sense to consider theories not as entirely ideal or entirely non-ideal, but rather as part of the same spectrum of normative theory, each confronting different aspects of the same problem (Stemplowska, 2008: 326). It follows from this that theory of different degrees of *idealisation* need to be sensitive to different aspects of the natural and the social world, positioning themselves on different parts of the spectre of fact sensitivity (Farrelly, 2007: 847). Accordingly, in line with Stemplowska's argument that ideal/non-ideal debate ought to be considered in terms of the *functions* of theory (Stemplowska, 2008: 326), I argue that theories from different parts of the ideal/non-ideal spectrum also inhabit different degrees of potential for action-guidance. In sum, the scalar approach to the debate has the advantage of breaking up the unconstructive ideal/non-ideal dichotomy, and contributing to progress for normative political theorising more generally.

Surprisingly, given the considerable emphasis on the potentially problematic sides of *ideal* theory, little attention has been devoted directly to the feat of making non-ideal theory in the case of international rescue³⁰. This lack of attention ought not to stand unchallenged, and I shall now endeavour to suggest a strategy through which non-ideal normative theory can successfully be developed. In so doing, I shall first look further into the role of *context* before I present suggestions from Farrelly, Fung and Hendrix in terms of establishing a *dialogue* between theory and context. Building on these reflections, I will then turn to presenting an argument for why such a dialogue on the issue-complex of international rescue can constructively be facilitated through the use of case-studies.

4.2 Examining context – a dialogue between disciplines

As pointed out in chapter three there is a difference between facts and context. Whereas facts encompass both natural and inherent facts about human nature *and* facts about social phenomena, history and politics, context refers to only the situated facts about the social world as it currently is. Starting from this assumption, it is such *situated* context that is the focus of attention here.

Colin Farrelly argues that theorists should adopt an offensive attitude towards tackling empirical assumptions concerning what is realistically possible (Farrelly, 2007: 845). By way of doing this non-ideal theory is presented as a viable option for future theorising, seeing as the world in which we live confront actors and theorists alike with scarcity, costs and issues of lack of compliance as important contextual factors. As indicated in chapter three, Farrelly's attitude towards ideal theory, in his case on the subject of distributional justice, is that he is "willing to abandon it" (ibid.: 848). However, notwithstanding his solution to the problems of ideal theorising, I argue that there is reason to take note of Farrelly's advice in terms of strategies for making theory more sensitive to facts, moving in the direction of non-ideal theory. That Farrelly does not here explicitly distinguish between contextual and the non-contextual factual features is not of major importance for these purposes. While stopping short of the ambition to show exactly how fact-sensitive normative theory ought to be, Farrelly's spectrum of fact sensitivity at least gives an indication of the dangers, or rather,

³⁰ A noticeable exception is provided by James Pattison who has examined the question of *who* should intervene (Pattison, 2010).

advantages and disadvantages, of including too little and too much context respectively (ibid.: 846-7). By consequence, one of the most important tasks facing political theorists endeavouring to construct more fact-sensitive, or non-ideal, theory is determining exactly *how* fact-sensitive it ought to be.

Bearing in mind the advantages of using a scalar conception of the ideal/non-ideal debate, and recalling Stemplowska's contention that theory is rarely entirely ideal or entirely non-ideal (Stemplowska, 2008: 326), I argue that determining exactly how fact-sensitive a normative theory ought to be cannot be determined a priori. Consequently, it is necessary to factor in the functional ambitions of the theory; in other words it's ambition for action-guidance.

Following the same trail as Farrelly, Hendrix is also among those advocating a sceptical view towards ideal theory, and, as mentioned in chapter three, he argues that theorists operating with too much abstraction can potentially become "dangerous social actors" (Hendrix, 2010a). Consistent with the conception of the ideal/non-ideal as scalar it is quite possible that, concerning theorists towards the end of the extreme ideal, Hendrix might be right. But regardless, this is not a question that I shall enter into here. Nevertheless, one need not accept Hendrix' contention that ideal theory can be "dangerous" in order to find his suggested alternative useful. As I have previously argued, the dichotomous understanding of ideal and non-ideal theory is not constructive and it would be preferable for normative political theory as a whole to engage in cross-scalar conversation than to go to cross-scalar war. Adding to this, Hendrix' suggestion of an alternative to ideal theory, which in light of the theoretical framework presented in chapter three I consider to be a step in the direction of non-ideal theory, offers advice as to how to engage in such cross-scalar *conversation* but also on how one might include lessons from empirical political science.

As Hendrix points out, the alternative is an approach more concerned with the details of social context leading to conclusions that are more determinate and more specific (ibid.: 10).

Following on from this assertion, Hendrix makes the point that it is constructive to begin by asking a more specific question, thereby shifting the attention to the moral and political possibilities available to specific actors in the world as it is. In order to do this it is important to take some features of the world as fixed, features that in, using Hendrix' vocabulary, a more "abstract" form of analysis would be but a target for revision (ibid.: 10).

Adding to Farrelly's and Hendrix's arguments, Archon Fung suggests a strategy for making theory more sensitive to context. Despite being constructed for the field of democratic theory, I argue that the general lessons from Fung's theoretical framework can fruitfully be employed also in terms of making more context-sensitive, non-ideal theory of international justice and, more specifically, on international rescue³¹. Fung's main argument is that normative theory would benefit from being more informed by empirical political science, supported by the argument that the division of labour between normative and "positive" political theory has become "a fundamental obstacle", owing to the division often taking the form of "segregation" (Fung, 2007: 443). At this point I would like to emphatically emphasise that my argument is not that there should not be a division of labour between normative theory and empirical political science. Rather the point is that a central feature of the journey from ideal to less ideal theory is an *increased* degree of direct engagement with context; in other words, increased context sensitivity. Accordingly, Fung's argument about increased engagement between the normative and the positive can be helpful in terms of facilitating inter-disciplinary *dialogue*.

In accordance with the above, I argue that the process of making non-ideal theory ought to incorporate a systemic approach to synthesising aspects of ideal normative theory and empirical political science. Paraphrasing Fung, such a synthesis ought to take the form of "[...] practical reasoning through which empirical research can *inform* the development of [...] theories [...]" (ibid.: 444, emphasis added).

By way of proposing such a strategy, I will show how a conception of ideal normative theory on international rescue can improve through reflection on the role of contextual features in its assumptions. Remembering the scalar conception of ideal and non-ideal theory, the argument that theory can *improve* is not meant to signify the obsolescence of ideal theory, but rather that it would be fruitful *also* to engage in non-ideal, more context-sensitive theorising, and thus complementing the spectrum of normative theory. Hence, theory improves through an encounter with the world, making the real moral problems confronting actors more visible.

Having outlined the rationale for engaging in cross-scale and inter-disciplinary theoretical *dialogue*, I shall now turn to the question of how to establish a strategy aimed at furthering

³¹ Specifically, Fung suggests the concept of "pragmatic equilibrium", which is related to John Rawls' "reflective equilibrium". According to Fung; "When a conception of democracy has institutional consequences that are consistent with its values, [...] it is in *pragmatic equilibrium*". (Fung, 2007: 443)

this goal. The implication for non-ideal theory will be the assumption of a goal of providing more potential for guidance through greater sensitivity to context. From the argument in favour of establishing a *dialogue* with context, it follows that one should ask with whom such a dialogue should take place. What is needed is a strategy for establishing what the actual roster of factual details is – in other words a strategy for establishing context.

Above I have made the argument that in order to attain a greater potential for action-guidance in less general questions of justice, normative political theory ought to engage in a dialogue with the world to which it is supposed to apply, or at the very least as close as we can get to the real world, empirical knowledge. I shall now turn to an argument for why it is constructive for this dialogue to take the form of case-study analysis.

4.3 The case for cases – establishing context through case-study analysis

In order to be more action-guiding on particular issue-areas, non-ideal normative political theory needs an account of *which* contextual features are relevant. Seeing as this cannot be determined a priori, I argue that one ought to consider this in light of the issue area in question. Importantly, I shall have to restrict the analysis to *context* as interpreted in section 3.2, although in *principle* there is no reason why one could not also include a more extensive account of *facts*.

Providing a critique of Jeremy Waldron's treatment of indigenous land-claims centred on the argument that his analysis is overly abstracted, Hendrix contends that factual details must enter our theoretical reflections (Hendrix, 2010a: 10). While stopping short of providing any empirical account from which to draw such factual details, Hendrix establishes a list of what he considers to be the most relevant contextual facts on the issue of indigenous land-claims. Given the desirability of such an overview of the relevant context combined with the need to maintain normative analysis and empirical study as separate fields, thus making the assumption of *all* factual details undesirable, I contend that providing such an oversight of the most relevant contextual features is an important step towards non-ideal theory. Therefore, and for the sake of clarity, I shall briefly present Hendrix's account of such a list.

Hendrix claims that:

1. *Indigenous groups are generally far poorer than surrounding populations.*
2. *Existing states operate only limited programs of assistance to poor groups.*
3. *Existing legal systems link indigenous self-government to historical land ownership and methods of property transfer.*
4. *Existing states are extremely hesitant to extend specialised protections to minority cultural groups who cannot demonstrate a historically separate political status.*
5. *Existing states virtually never turn privately held lands to indigenous groups who win land claims, but provide public lands or monetary compensation instead.*
6. *The potential of public lands being transferred to indigenous groups is often threatening to resource industries, which generally have substantial political influence.*

(Hendrix, 2010a: 10)

It is, as Hendrix notes, of utmost importance to note that such a list can never be exhaustive, and that the purpose is but to provide an insight into what social facts exist to be navigated (ibid.: 11). Clearly, the list of possible contextual factors one might be tempted to include could be very long indeed. Since including *all* contextual factors is neither feasible nor desirable, I argue that following Hendrix' example is a constructive place to start.

Remembering the lessons from chapter three, this is in line with an increased sensitivity to context while stopping short of transgressing the boundaries of *normative political theory*. By consequence, I shall seek to establish an account of some of the *most* relevant, issue-specific contextual facts, paving the way for a more contextualised normative theory on international rescue. In line with this goal, I argue that conducting mini case-studies based on established knowledge is a logical next step. One might of course question the choice of case-studies. Indeed, it is quite conceivable that other empirical methods could be equally useful. It is, however, the concept of an inter-disciplinary *dialogue* that is the focal point, and I therefore argue that the choice of the *specific* method is of lesser importance.

It is beyond argument that case-analysis framed in this way is vulnerable to reliability concerns seeing as my conclusions will be based on secondary literature. Recognising the importance of such concerns, I shall improve the reliability as far as possible by way of source triangulation of literature considered as established knowledge. Consequently, even if

the secondary literature used in this particular instance should turn out to be wrong in its conclusions, that would, if unfortunate, not be a threat to the proposed design.

5 Establishing context through case-study analysis

In the previous chapter I made the argument that in order to move towards the non-ideal end of the spectrum of normative theories and, more specifically, in order to achieve a greater potential for action-guidance, it is constructive to engage in an inter-disciplinary *dialogue*. Bearing in mind that I shall restrict the analysis to context, where *context* is different from the more wide ranging term *facts*, the above is in line with the argument that there are benefits to be had from moving normative political theory on the issue in the direction of greater sensitivity to situated features of the political, social and historical world. It is by virtue of this that a move towards the more action-guiding end of the scale can be facilitated. By way of suggesting a strategy for conducting such an operation, I argue that a constructive way of conducting a *dialogue* with the world in order to ascertain which features of context are relevant is to conduct case studies.

Therefore, in what is come, I intend to employ a case-study approach involving the use of three historical cases in order to establish what, in those particular instances, were the most important factors contributing to the different outcomes in terms of *decisions* about whether to and how to intervene. To paraphrase Bernard Williams, decisions about how to rescue people from the *Hobbesian fear* (Williams, 2005: 145). Importantly, by way of structuring the findings the analysis will culminate in an account of what seems to be the most central contextual factors, based on the approach suggested by Hendrix in the previous chapter. In other words, such a move will prove an important step in terms of mapping context and, in sum, the suggested strategy will contribute both in terms of method and substance.

5.1 Theory of case studies

Following from the above, I will now endeavour to show an example of how such mapping of context may be conducted, while at the same time being acutely aware of the restrictions inherent in a hybrid format such as this. Notwithstanding any restrictions following from the limited format of the design, I argue that it is important to follow generally established methodological procedures for ensuring as high a level of reliability and transparency as possible.

When it comes to case-study design, Alexander George and Andrew Bennett recommend the method of “structured, focused comparison”. A central strength for this approach is that the method is particularly adept at drawing explanations from each case and integrate these into a broader and more comprehensive theory (George and Bennett, 2005: 67). In terms of the first of its two main components, the method is “structured” in that it employs generalised questions that are asked of each case in order to make systematic comparison possible. Second, the method is “focused” in that it focuses on certain parts and aspects of the cases only (ibid.: 67). For my purposes this becomes particularly relevant in terms of pointing out the important aspects relating to the *decision-making processes* that determine the *reaction* from outside parties.

5.2 Applying case theory

By way of following the recommendations from the structured and focused approach advocated by George and Bennett, the ensuing analysis of the cases will follow a predetermined recipe. For each case I will, first, present a brief historical account of the events so as to enhance the understanding of the context in which it took place. For obvious reasons each overview will not amount to an exhaustive historical account. Rather, and as previously mentioned, the emphasis will be put squarely on exploring contextual facts and conditions relevant for the construction of more context-sensitive, non-ideal theory. By consequence; second, the case-studies will seek to answer a set of structured questions aimed at uncovering the most essential underlying decision making dynamics.

For the sake of analytical clarity, I find it useful to place the questions within two distinct levels of analysis. The first level deals with moral imperatives, or *oughts*. The second level deals with questions having to do with the moral scope of action for the actors, namely, political actions available to specific actors in specific contexts; in other words this second level deals with *cans*. This distinction, where *ought* implies *can*, can fruitfully be viewed as a parallel to Burke A. Hendrix’s assertion that ideal aspects, meaning general principles, should be given logical priority over, more context sensitive, non-ideal aspects (Hendrix, 2010b: 2).

On the first level, *ought*, I ask only one question:

- Was there disagreement about the *imperative* of “saving strangers”³² among the permanent five members of the UN Security Council (UNSC)?

The motivation for asking this question is twofold. First, the UNSC is generally recognised to have the supreme legal power to authorise the use of force in accordance with the UN Charter, and a mandate is therefore often considered preferable in terms of internal and external legitimacy. Second, decisions about whether and how to intervene are almost always discussed in the Council in one way or another and, given the composition of the Council with representatives for both traditional *interventionists* and *non-interventionists*, disagreements about the imperative of “saving strangers” is therefore often exposed in this forum.³³ To be sure, the meaning of “disagreement about the imperative” concerns not whether there was disagreement in the UNSC about what to do, but rather whether there was disagreement about whether the humanitarian situation constituted sufficient ground to override the non-intervention-clause in the UN Charter. Obviously, it is important to bear in mind that disagreements among the permanent five may have to do with other factors than the imperative of “saving strangers”. There is any number of things that they might disagree on, adding to the importance of trying to distinguish when the disagreement stems from this imperative or from other factors.

The second analytical level, relating to questions of *can*, includes five questions. In general these questions are intended to show what were the push and pull factors in terms of the decision-making processes and, in essence, what characterised the surrounding political context. The questions read:

- Was there coercive intervention?
- If yes, what factors precipitated this response?
- If no, what inhibited action?
- Were moral considerations the main rationale in the decision-making process?

Brought together, the answers to these questions will form a matrix that should help guide the inter-disciplinary *dialogue* about what represents the most relevant contextual features in terms of the international rescue issue-complex.

³² I borrow this term from Nicholas Wheeler (Wheeler, 2000).

³³ According to this distinction, I classify the United States, Great Britain and France as *pro* and Russia and China as *con*. Importantly, this is not meant to indicate any law-like relationship. One could also employ the argument that the P5 are also the most capable interveners from a material point of view. However, recent trends in terms of UN troop contributions show that the P5 rarely contribute significantly to UN operations.

5.2.1 Selecting the cases

Having established the structured questions which I will ask of the cases, I will now turn to the question of which cases to include. When it comes to the actual selection of cases, it is important to start out with a clearly defined universe. Arguably, there are several ways in which to conceive of the universe from which to draw cases, but given the illustrative purpose of the present analysis, I will simply use the criterion from Bernard Williams which reads: “[...] cases in which everyone would agree that what is happening to the group in question is bad news for that group[.]” (Williams, 2005: 146)³⁴ and add; “and where coercive intervention was contemplated”.

With the universe of cases now in place I turn to the selection of specific cases. As a primary rule, the criterion by which cases are selected should be relevance to the research objective. Consequently, and as George and Bennett are eager to point out, one of the most important factors for a focused and successful case study is the link between the research objective and the case-selection strategy (George and Bennett, 2005: 83). Following from this, John Gerring argues that, researchers wishing to draw inferences from a very small number of cases are indeed faced with a formidable problem when it comes to the process of case selection (Gerring, 2007: 86). In order to help solve this problem, Gerring outlines a number of specific strategies, or as he calls them, “purposive selection procedures”, aimed at achieving a more transparent and informed choice of cases. More specifically, the reasons why the cases are chosen from the universe have to do with how the cases are situated in their particular universe (ibid.: 88-90). Seeing as what I am looking to achieve is to gain an insight into the contextual factors that can help guide more action-guiding non-ideal theory, it is appropriate to include cases covering as wide a spectre of scenarios as possible. To this end, I will employ the “diverse case” strategy. The main purpose of this selection strategy is, according to Gerring, “[...] the achievement of maximum variance among relevant dimensions” (ibid.: 97).

The most relevant dimension, or variable, in terms of the international rescue issue-area is the occurrence of intervention, which should be read as the outcome of the decision-making processes. Intuitively, it seems likely that choosing extreme values is the most appropriate choice when it comes providing clarity in terms of the contextual factors involved. This assertion is supported by Gerring’s recommendation that, for the “diverse case” strategy, one

³⁴ The use of the word “group” does not necessarily signify adherence the same sort of group definition as inherent in the 1948 Genocide Convention. Comp.: (Sannes et al., 2008: 115-7).

should choose extreme values from both ends of any given scale, as well as a medium value, where possible (ibid.: 98). This helps capture as full a variation along the relevant variable as possible. While I am aware of the analytical limitations following from the fact that cases (or non-cases) of humanitarian intervention are mostly unique events, the fact that I focus on the *decision-making processes* makes this limitation less important. Also, in terms of potential for generalisation, Gerring argues that the inclusion of the full range of values inherent in the diverse strategy helps improve representativeness of the sample (ibid.: 100).

In light of this, the most obvious choice would be to include one case of non-intervention and one case of clear cut intervention. In terms of the *medium* value, I argue that it is appropriate to include a case where there was a form of intervention, but where the means decided upon were ill-suited to the goal of *rescue*. Accordingly, the cases that I will use are the following; the genocide in Rwanda in 1994, the NATO bombing in Kosovo in 1999 and finally the EU operation *Artemis* into the Democratic Republic of Congo in 2003.

In sum, one might say that:

*Given that (decision-process) x is (decision outcome) y because of z, what is z?*³⁵

So far I have outlined a suggested strategy for informing normative analysis about international rescue, but before embarking on the actual analysis of the cases I would like to once again emphasise that what I am aiming to achieve is to establish a *dialogue* with the world, using empirical political science as a *proxy*, in order to find what contextual features typically affect situations where the “saving of strangers” is desirable from the point of view of those under threat and contemplated by outside agents. In other words, the point is not to contribute to the cumulative empirical research concerning the cases in question, but rather to provide an example of how the use of established knowledge can contribute to informing normative analysis by describing the relevant, issue-specific context. Importantly, I will use empirical sources generally considered to be *established knowledge*.

Consequently, using insights from the empirical study of the cases I will seek to establish some lessons that can be drawn so as to inform theory, modelled on Hendrix’s treatment of context when it comes to indigenous peoples and land-claims presented in section 4.3. Such insights may seem trivial, but I argue that this is exactly the role for such a *context-probe*. As

³⁵ This should not be interpreted as an indication that it is necessarily constructive to conceive of z in the singular form.

mentioned in the introduction to this section, it is not the case-specific particularities that are relevant but rather what contextual features generally apply to decision-making procedures in cases where coercive intervention for humanitarian purposes are contemplated.

5.3 The case of Rwanda

*Anytime you mentioned peacekeeping in Africa, the crucifixes and garlic would come up on every door (US official, quoted in Power, 2003: 340)*³⁶

On 6th April 1994 the jet carrying Rwandan president Juvénal Habyarimana and Burundian president Cyprien Ntaryamira was shot down (Power, 2003: 329). The event provided the spark that ignited the perilous fumes in Rwanda. 100 days later, an estimated 800 000 to 1 million Tutsis and moderate Hutus had been killed (Jones, 2007: 146). Habyarimana was on his way back to Rwanda from a meeting in Dar-es-Salaam where he had agreed to a number of commitments as part of the Arusha peace-agreement between the Rwandan government and the Tutsi-dominated Rwandese Patriotic Front (RPF).

The two sides had been engaged in a civil-war that had been going on from October 1990 until mid 1992, and which had been followed by peace-negotiations in Arusha, Tanzania (ibid.: 141-2). Shortly after the death of Habyarimana Kigali fell to a coup and hard-liner and opponent of the peace-process Colonel Bagasora gained the upper hand, forming an “interim government”. Bagasora and opponents of the peace-process adopted a strategy with two general components; the return to war with the RPF and the launch of a genocide of the Tutsi population and mass-murder of supporters of the peace-process (ibid.: 146). The plan to commit genocide had been hatched over the course of several months and, importantly, the extremist groups had developed a detailed plan to further their cause. The first step of the plan was to assassinate key members of the political opposition and disrupt the implementation of the Arusha-agreement. Second, one intended to attack the UN peacekeeping mission (UNAMIR) that had been deployed to help facilitate the peace-process. Finally, the plan included the elimination of the potential support-base for the RPF, the Tutsi population of Rwanda (ibid.: 145).

Providing evidence of the extensive planning that had gone into preparing for the genocide, within an hour of the downing of the president’s plane, the extremist *Radio Mille Collines*

³⁶ Arguably there is a difference between peacekeeping and international rescue, or for that matter, humanitarian intervention. However, the terms are, sadly, often used interchangeably.

began broadcasting lists of names and place of residence for supporters of the Arusha-process. Moderate politicians were rounded up and killed. Roadblocks were put in place, a curfew was established, and on the radio there were hateful messages naming the Tutsi *Inyenzi*, or cockroaches (Power, 2003: 330-2).

On the ground the UN peacekeeping mission (UNAMIR), under the leadership of Canadian Brigadier-General Romeo Dallaire, had been gradually deployed beginning in October 1993 (ibid.: 341). Crucially, the mission had a Chapter VI mandate that did not include authorisation to protect civilians and, importantly, the mandate was agreed only days after the infamous fire fight in Mogadishu where eighteen US troops had been killed, something which proved important in terms of the US position to new engagements (ibid.: 341). In addition to the limited mandate the number of troops was only half of what Dallaire had considered a “minimum responsible” level for his mission (Jones, 2007: 149). Compromising the mission further, the troops afforded to the mission from contributing countries were generally poorly equipped, with the exception of the Belgian contingent, and they were not trained to inter-operate (Power, 2003: 343). Adding to the problem was the fact that UNAMIR was equipped neither with an intelligence capacity nor with sufficient defensive military equipment (Jones, 2007: 152). In sum the UN forces were poorly equipped to handle a massive escalation in violence.

Showing a clear understanding of Western political sensitivity to casualties, and in keeping with their plan, Hutu soldiers on 7th April 1994 captured fifteen members of the UNAMIR. Five of them, from the Ghanaian contingent, were led to safety while the remaining ten, all Belgian, were brutally killed and mutilated, prompting a decision from Brussels to withdraw all Belgian forces (Power, 2003: 332). The highly organised plan to exterminate the Tutsi population was then executed in detail, with lists of victims being broadcast on the *Radio Mille Collines* and with the Hutu army, the gendarmerie and, notably, the *Interahamwe* militia meticulously carrying out their work; their weapons in one hand, their radio in the other (ibid.: 333-4). It is a sad fact of history that no-one intervened to stop the genocide, and that only after the Tutsi RPF had effectively won the civil war did it come to a halt.

5.3.1 Answering the questions

Was there disagreement about the imperative of “saving strangers” among the permanent five members of the UNSC?

As Wheeler points out, “[i]n April and May 1994, [UNSC] members would have been only too happy to authorize African or Western states to intervene to end the killing. Certainly, no member of the Security Council wanted to be publicly exposed as blocking military intervention out of doctrinal concerns for Article 2 (7) of the Charter.” (Wheeler, 2000: 241). Much has been written about disagreements among the UNSC members about what to do with Rwanda. However, I have not come across any evidence suggesting that there was any opposition to the *concept* of intervening to protect civilians as such. Consequently, I argue that the answer to why no intervention was forthcoming lies elsewhere.

Was there coercive intervention?

As mentioned, there was a UN force in Rwanda at the time of the genocide, but it was one poorly equipped and, importantly not mandated to protect the civilian population. At the outbreak of the genocide, Dallaire appealed to the UN for reinforcements but his request was denied. Indeed, on 21st April the UNSC voted to *reduce* the UNAMIR force strength to 270 from the original 2,500 (Power, 2003: 369).³⁷ It should be noted that France did intervene in late June, but while this intervention did save some lives, the fact that it was launched *after* the genocide was mostly over has contributed to it being largely discredited (Wheeler, 2000: 231-7).

The central point is that there was no foreign intervention before or during the genocide that had the strength to stop it in its tracks.³⁸

If no, what inhibited action?

There is no doubt that the reasons why there was no effective intervention in Rwanda, either in the form a reinforced UNAMIR or a coalition emergency force, are inherently complex. But, as James Mayall argues, Rwanda was only of peripheral interest to Western states and in

³⁷ Despite the vote, 503 troops remained in the country (Power, 2003: 369).

³⁸ On 8 June 1994 the UNSC voted to authorize a 5,500 troop UNAMIR II with a stronger mandate. However, hesitation on the part of contributing countries meant it took several months before they arrived (Wheeler, 2000: 230)

particular to the United States (Mayall, 2004: 135). Even though some countries, such as New Zealand and Czechoslovakia, argued in favour of invoking the Genocide Convention, which would have triggered a commitment to act, none of them volunteered forces (Wheeler, 2000: 238). Shedding light on the US position Samantha Power notes, pointing to a fear at the Pentagon that any intervention by foreign troops would eventually end up as a large and costly mission that would have to be handled by the US, “[...] the United States opposed the idea of sending reinforcements, no matter where they were from.” (Power, 2003: 366).

In terms of institutional capacity, the UN, in addition to their institutional capacity being poorly developed at the time, was overstretched, with missions in Somalia, Bosnia and Cambodia. At the same time, there was considerable pressure for new missions in Haiti and Georgia from the US and Russia respectively, something which further compromised the UN’s efforts (Mayall, 2004: 135)³⁹. Criticism has also been aimed at the then Secretary-General for a lack of effective leadership (Jones, 2007: 160).

In addition, there was no real pressure from the public to act neither for US President Bill Clinton nor for his European counterparts (Wheeler, 2000: 238-9). Underlining one of the consequences of the perceived lack of interest Samantha Power writes, “[i]t is shocking to note that during the entire three months of the genocide, Clinton never assembled his top policy advisers to discuss the killings (Power, 2003: 366).

France, who has a history of armed excursions into Africa, took an interest as the genocide was coming to an end. But it was only on 16th June that Foreign Minister Alain Juppé declared that France had ‘a real duty to intervene in Rwanda’ (quoted in Wheeler, 2000: 231), and, having supported and armed the Hutu regime now responsible for the genocide in the years leading up to 1994, Wheeler contends that the French response in the form of the *Operation Turquoise* was too little, too late and for the wrong motives (ibid.: 231-7).

By way of concluding, the evidence points to the fact that there was very little will on the part of African or Western states to accept the costs of intervention.

Were moral considerations the main rationale in the decision-making process?

From the above I argue that there is little to support a claim that moral considerations were the main decision-making criterion. One could of course argue that the moral question of

³⁹ For an overview of the institutional aspect of the UN effort in relation to Rwanda, see (Jones, 2007)

internal legitimacy worked against intervention, but I shall not enter here into that debate.⁴⁰

The rationale for the main actors acting as they did seems to have been a combination of factors, but moral concerns seem not to have been decisive.

5.4 The case of Kosovo

Nicholas Wheeler argues that in a way, the Dayton agreement of 1995 acted as a prelude to the events of 1999. One reason for suggesting this argument is that the Dayton agreement supposedly helped undermine the support of moderate Albanian leader Rugova, bringing about more radical forces. Precipitated by this shift in the Albanian leadership, the Kosovo Liberation Army (KLA) bombed Serbian targets in 1996, prompting a reaction from Serb forces that included active targeting of civilians in Kosovo (Wheeler, 2000: 258).

Continuing hostilities led to the adoption in March 1998 of UNSC resolution 1160, which under Chapter VII demanded an end to violence. Importantly, the resolution established the grave violations of human rights as a “threat to international peace and security” (ibid.: 259). Still, in spite of the relatively strong language of the UNSC resolution, the Serbian regime in Belgrade started a new offensive in Kosovo in May 1998. It is considered likely that this precipitated a new initiative from British Prime Minister Tony Blair and Foreign Secretary Robin Cook arguing in favour of a tougher response (ibid.: 259). An initiative aimed at adopting a stronger stance towards Milosevic saw the emergence of two principal difficulties for NATO. First, NATO leaders did not want to become an air force for the KLA, thus forming a tool aimed at furthering the KLA’s armed struggle for independence. Second, the question of whether explicit Security Council approval for the use of force was necessary proved a divisive issue (ibid.: 259-60). Further efforts towards achieving a UNSC resolution with more firm language proved futile also when it came to the next resolution, 1199 in September 1998, where the language demanded the cessation of hostilities, but did not explicitly threaten the use of force to enforce the resolution. Britain and the US proposed stronger language, but the Russian and Chinese representatives made it clear that any such changes would be vetoed (ibid.: 261). According to Wheeler, the resolution required an assessment to be made in terms of compliance to the resolution. A report presented by Kofi Annan on 5th October a report aimed at assessing the Serb compliance, asserted ‘outrage’ at the mass-atrocities still taking place in Kosovo (ibid.: 261).

⁴⁰ For a normative analysis of the question of internal legitimacy, see (Buchanan, 2010: 201-17).

On the back of the findings of the report, Britain suggested the authorisation of “all necessary means” to ensure compliance to the resolution. However, continued Russian opposition to such language ended formal efforts to achieve UNSC consensus, and left the proponents of intervention looking for ways to interpret existing resolutions in a new manner (ibid.: 261). Despite some internal disagreement, leading NATO countries on 13th October asserted that they had the “authority, will and means” to resolve the issue and, consequently issued an activation order for air strikes against Serb targets (ibid.: 262-3). However, in a last minute attempt at finding a negotiated settlement, the so called Contact Group sent Richard Holbrooke to Belgrade, where a ceasefire was negotiated. But in the event, the ceasefire failed to hold on the ground as KLA forces continued their attacks and the Serbs retaliated by attacking civilian targets. After the Recak-massacre in January 1999, further talks followed in Rambouillet and then Paris, but with little movement in the negotiations and the start of what turned out to be a spring offensive of ethnic cleansing in mid March, NATO decided to launch *Operation Allied Force* on 23rd March 1999 (ibid.: 264-5).

5.4.1 Answering the questions

Was there disagreement about the imperative of “saving strangers” among the permanent five members of the UNSC?

The discussions among the members of the UNSC in the months leading up to the NATO campaign showed that there were clear differences of opinion among them. In particular, Russia⁴¹ and China were vocal about their opposition (Wheeler, 2000: 261). While many argue that Russia opposed intervention because of their strategic interests in the region, Wheeler argues that China had explicit reservations about interfering in what they considered to be the internal affairs of the Former Yugoslavian Republic (ibid.: 263). This opposition stands in stark contrast to the position promoted by the United States and, in particular, Britain (Blair, 1999).

⁴¹ It can be argued that Russia in particular had several reasons to object to the NATO operation. I shall not enter here any debate as to the relative importance of different explanations. For more on this issue, see (Antonenko, 2007).

Was there coercive intervention?

As mentioned above, on 23rd March 1999 NATO launched *Operation Allied Force* (Wheeler, 2000: 264-5). In terms of the actual intervention, Ivo Daalder and Michael O'Hanlon have argued that NATO did not expect a long campaign (Bellamy, 2002: 160). Consequently, the alliance lacked the firepower needed to have a quick and devastating effect on the Milosevic regime (ibid.: 161). I will briefly elaborate on the mode of the intervention when answering the next two questions.

If yes, what precipitated/brought about action?

In terms of push and pull-factors, a few introductory remarks are in order. According to Wheeler, the use of air power as the only means of intervention was inappropriate given the humanitarian motive (Wheeler, 2000: 270). Therefore, I will answer both the question of what precipitated what action there was *in addition* to the question of what inhibited the use of means more suitable for rescue purposes.

According to Wheeler, four key rationales were invoked by western governments in order to justify the NATO-intervention in Kosovo: First; that of averting the impending humanitarian catastrophe for the Kosovars; second, of preserving NATO's credibility; third, that ethnic cleansing could not be allowed in a 'civilised' Europe and also that it posed a long term security risk; and finally, that military intervention was in line with previous UNSC resolutions on the matter (ibid.: 265). From this it seems reasonable to conclude that the initiative to intervene forcefully was fuelled largely by a desire to avoid the costly mistakes made previously when intervening in the Balkans, particularly in Bosnia, and also from the view that mass-atrocity crimes constituted a reason for the international community to act on behalf of the victims.

On 25th of March, defending the NATO intervention to the House of Commons, Foreign Secretary Robin Cook went to great lengths to emphasise the humanitarian rationale behind the decision.

Since March last year, well over 400,000 people in Kosovo have at some point been driven from their homes. [...] We were left with no other way of preventing the present humanitarian crisis from becoming a catastrophe than by talking military action to limit the capacity of Milosevic's army to repress the Kosovar Albanians. [...] Not to have acted, when

we knew the atrocities that were being committed, would have been to make ourselves complicit in their repression (quoted in Wheeler, 2000: 265-6).

Speaking before the Chicago Economic Club on April 22nd 1999, outlining what was to become known as “The Blair Doctrine”, Tony Blair argued in favour of the NATO intervention.

No-one in the West who has seen what is happening in Kosovo can doubt that NATO’s military action is justified. [...] This is a just war, based not on territorial ambitions but on values. We cannot let the evil of ethnic cleansing stand. We must not rest until it is reversed. (Blair, 1999).

From the four key rationales mentioned above, and as well from speeches made by key US and British officials, it is clear that references to security interests were also frequently invoked. The fact that the situation was located in Europe made it particularly important for the EU and the European states to avoid any escalation and long-term conflicts. However, I find it reasonable to argue that the reasons for this at least in part have to do with the perception that security reasons provide greater internal legitimacy than the invocation of humanitarian motives, as well as the fact that the way state leaders conceive of security interests seems to have changed. Janne Haaland Matlary’s term “the new national interest” coins this phenomenon (Matlary, 2009: 7-9).

If no, what inhibited action?

Seeing as in the case of Kosovo coercive action did in fact take place, what I will be looking into here is what inhibited effective action in terms of *rescue*, or rather, why ground troops were not deployed or threatened. According to Wheeler, two key reasons lay behind the decision to restrict the intervention to the use of air power.

First, the use of air strikes was considered a *low cost* way of intervening. By avoiding putting *boots on the ground* the risk of casualties among the intervening forces was dramatically reduced. Sensitivity to casualties represented an important aspect of the decision to rule out ground troops (Wheeler, 2000: 268). This point is picked up by Theo Farrell, who argues that the use of air-power is seen as an effective way of securing “full force protection” (Farrell, 2010: 324). It also represents an interesting illustration of the so called CNN-effect as a “Double-edged Sword”, where the media can have a strong effect in terms of provoking action and an equally strong opposite effect with the coverage of body-bags returning home

(ibid.: 318-9). Second, important NATO figures were convinced that a serious show of force from the air would be sufficient to compel Milosevic to back down and agree to stop the atrocities. According to Wheeler, this belief should be seen as an example of “bad history making bad strategy”, as British and US decision-makers based their decision in part on the (mistaken) belief that a few days of decisive air strikes in Bosnia had proven sufficient to coerce Milosevic into surrender (Wheeler, 2000: 268). Importantly, Wheeler notes that the belief in the effectiveness of air power persisted amidst clear evidence to the contrary provided by key military and intelligence officials (ibid.: 269).

The effectiveness and relative merits of the bombing-campaign has been the subject of much discussion and remains contested to this day. Seeing as the objective is not to provide anything new in terms of empirical research on the matter, I cannot enter here into an extensive enquiry into whether the decision to stick to air power was in fact a mistake and to what extent it may have compromised the effectiveness of the intervention. Still, a few words on the matter are in order.

In light of what I have discussed above it does however seem clear that the threat or deployment of ground troops would have been a more suitable tool with which to deal with such a rescue operation. As Wheeler notes, averting the ethnic cleansing in March 1999 would have required a major commitment of ground troops on behalf of the leading NATO states. This would have been a more credible deterrent and, if deployed, would also have been more suitable for the task at hand (ibid.: 270). However, even if the intervention from the air evidently had several sizeable downsides, Wheeler argues that the bombing-campaign helped compel Belgrade to agree to a EU-Russian peace-plan in June 1999 and the subsequent deployment of the *Kosovo Protection Force* (KFOR) (ibid.: 273, 283).

Were moral considerations the main rationale in the decision-making process?

From the discussion about what affected the choice of means and strategy, it seems clear that moral considerations played an important role for the key decision makers. The listed quotes from Blair and Cook emphasise the role of moral obligation. As Wheeler notes, “Clinton and his advisers argued, like the Blair government, that the West had a moral responsibility to stop the terrible atrocities taking place in Kosovo” (Wheeler, 2000: 266).

Whether this care for the moral duty to save strangers stems from the fact that people from the outskirts of Europe are a little less “strangers” than people in other parts of the world or, if indeed the decision was based mostly on the collective bad conscience after Bosnia and Rwanda, is less relevant, seeing as the question of the moral purity of motives is, while highly interesting, not one I am concerned with here.

The special character of the intervention does however indicate that while the decision to intervene in itself was based on moral considerations, the choice of means was largely directed by sensitivity to costs. As Wheeler puts it; “[t]he humanitarian motives behind NATO’s action have to be located in the context of the overriding constraint that the operation be “casualty free”. Without this assurance, there would have been no intervention in Kosovo” (ibid.: 284). Adding to this, Thomas G. Weiss claims that “Washington’s domestic politics meant that military action remained at an altitude of 15,000 feet when ground troops would have prevented the initial mass exodus” (Weiss, 2007: 153).

5.5 The case of the *Artemis* operation in the Democratic Republic of Congo

Since the start of civil war in the Democratic Republic of the Congo (DRC) in August 1998, the Ituri-region in eastern DRC has been characterised by a range of conflicts with various links to the broader civil war. Crucially, the war, or rather, the “web of wars” is part of an extremely complex situation covering large parts of Central Africa and the so called Great Lakes-region. As Ståle Ulriksen puts it, “[m]ore than a dozen ethnic militias and the governments of Rwanda, Uganda and DRC have fought for power and control over Ituri’s resources.” (Ulriksen, 2004: 510). The militias of the region have largely been undisciplined, and the use of child-soldiers has been widespread in a set of conflicts characterised by massive rights-violations and atrocities (ibid.: 510).

It extends beyond the scope of the present analysis to elaborate further on the complexities of the conflict⁴². But when it comes to the events leading up to the eventual intervention in the DRC, it is helpful to view the events in relation to the MONUC peacekeeping operation. The MONUC force was severely weakened by the sudden withdrawal in May 2003 of about 7000 Ugandan troops from eastern DRC, where the UN presence for some time had succeeded in

⁴² For an extensive account of the complex conflict in the DRC, see (Tull, 2007).

keeping a lid on the warring factions. So, when in May 2003 the situation in and around the town of Bunia, the then Secretary General Kofi Annan was determined to find an intervention force capable of temporarily filling the gap left by the Ugandan withdrawal. Amid fears following a warning from the UN Under-Secretary General for Peacekeeping Operations of a rapidly deteriorating situation in Bunia and the possibility of ‘massive killing of civilians’ (ibid.: 511), the UN turned to France.

Quoting a British diplomat interviewed in confidence, Janne Haaland Matlary explains that the French were willing to answer Annan’s call, but that they were worried about the legitimacy of acting alone. Perhaps to Annan’s luck the request to the French had been promoted in the middle of an EU ministerial meeting. Upon hearing of the request, the British then suggested making it an EU operation, thus contributing both to solving the problem of legitimacy and furthering the Anglo-French aim of building a credible EU military capacity, as well as testing it in real conditions (Matlary, 2009: 126). After the initial request, the UN followed up with a formal one and the subsequent adoption of UNSC resolution 1484, authorising an Interim Multinational Emergency Force in Bunia from June until September 2003 (ibid.: 126).

5.5.1 Answering the questions

Was there disagreement about the imperative of “saving strangers” among the permanent members of the UNSC?

The request from the UN to intervene in Bunia was formalised in UNSC resolution 1484. The resolution was adopted unanimously, and there is no evidence of any of the permanent members expressing any concern about whether it was right to use coercive measures to protect civilians (UN-Resolution).

Was there coercive intervention?

Forming the first sharp operation in a high risk scenario under EU auspices, operation Artemis was launched in the Bunia province of the DRC, and lasted from June to September 2003 (Matlary, 2009: 57-8, 61). Underlining the importance of an intra EU political logic, Matlary points out that following the French-British initiation of the process, several other EU states joined, bringing the number of EU contributors up to 16. In addition, the three non-EU

countries Brazil, Canada and South Africa contributed. Even though France supplied the bulk of the operational forces, for instance Sweden provided a significant number of Special Forces (ibid.: 126). According to Matlary, the Artemis operation forms an important part of the forming of the EU crisis management portfolio (ibid.: 46).

Important to note is that the Artemis-operation was deployed within days of the request from the UN (ibid.: 127). In cases where there is an urgent need for rescue, such as this one, there is no doubt that such rapid reaction is a vital ingredient for succeeding in the protection of civilians.

If yes, what precipitated this response?

Based on Matlary's analysis, there seems to be little doubt that EU politics and in particular the French-British ambition of fronting a sharp end to the European Security and Defence Policy (ESDP), played a significant role in providing an affirmative answer to Annan's question (Matlary, 2009: 126-7). A central tenet of Matlary's argument is that operation Artemis and more generally the European Security and Defence Policy is the result of a "core logic", where the initiative is taken by key nations capable of contributing relevant capacities (ibid.: 92, 125). As part of this logic, the Artemis operation proves an example of practice preceding theory, which represents an important feature of French-British "core" cooperation (ibid.: 125). An important example not only of the pioneering of the ESDP, the Artemis also illustrates the importance of the special historical interest in Africa on behalf of the former colonial powers. Time and again, France and Britain have shown a greater willingness or perhaps interest in getting involved in Africa than has the United States.

In terms of the French involvement, as Ståle Ulriksen notes, French policy towards Africa changed during the 1990s after the lessons from Rwanda, Zaire and the Central African Republic. The change involved, among other things, a shift from operation exclusively alone to a greater tendency to seek legitimacy from the UN, the EU and various regional African organisations (Ulriksen, 2004: 509).

Overall, the Artemis played an important role as a test case for the ESDP, and underlines a dynamic where key states such as France and Britain take the lead only to be followed by states keen to participate in order to enhance their own standing in the EU (Matlary, 2009: 128-9).

Were moral considerations the main rationale in the decision-making process?

When it comes to explaining the real push-factors of the decision to intervene to save strangers it is of course important to analyse the relative importance of the different factors. How much came from a desire to further humanitarian values and how much came from a desire gain standing in the EU? Likely, it is impossible to answer such a question definitively without access to in depth interviews with key decision makers. However, it seems reasonable to conclude that the key actors at least accepted the *level one*⁴³ assumption that it is sometimes right to use force to further humanitarian ends. The Artemis case also offers a telling illustration of some of the dynamics of political decision making in democratic countries. In emphasising the special standing of foreign policy in France and Britain, sometimes called the “Foreign Policy Prerogative”, Matlary points out that political decisions about whether to intervene, and more generally relating to the use of the armed forces, are affected by very different political dynamics depending on the country in question. And in the case of France and Britain, there is a large degree on government control on such issues (Matlary, 2009: 159-60, 162-3).

5.6 Conclusions from the case studies – the case matrix

	Rwanda	Kosovo	Artemis
1.1 Disagreement about the imperative of “saving strangers”?	No, but main actors sought to avoid question.	Yes.	No.
2.1 Was there coercive intervention?	No.	Yes, but ill suited for rescue purposes.	Yes.
2.2 If yes, what precipitated this response?	-	Low cost of intervention from the air.	French/British desire to develop EU capacity. Potential political gain.
2.3 If no, what inhibited action?	Fear (by effective actors, US/Europe) of getting tangled up in Africa without exit strategy. Fear of anticipated political costs.	American opposition to ground forces. No independent European capacity. Fear of costs at home.	-
2.4 Was moral considerations the main rationale in the decision making process?	No. (Yes for some small states who advocated intervention).	Both.	Both.

Figure 5.1: The case matrix.

⁴³ Compare section 5.2.

5.6.1 Lessons for theory-relevant context – The Hendrix-framework

Clearly, not all contextual features are relevant for political theory. The fact that, for instance, the three states from the above case analysis have little or no coastline is but one example of context which would, intuitively, be of little relevance for political theory. It is therefore important to emphasise that the lessons drawn from the above analysis have to do with the political processes that seems to have come into play in terms of translating principle into action. Therefore, based on the insights uncovered in the structured and focused analysis of the cases, and in line with Hendrix' suggestion that one establish a list of the most relevant issue specific contextual features which non-ideal theory should consider whether or not to be sensitive to, I argue that the following contextual features are among the most important factors in terms of international rescue:

- a) International rescue is conducted with significant irregularity and on an ad-hoc basis.
- b) Decisions about whether to intervene are characterised by “non-trivially political” dynamics.⁴⁴
- c) There is no mechanism for allocating responsibility for *who* should intervene.
- d) There is often considerable disagreement among the permanent five members of the UN Security Council when it comes to the *primacy* of “saving strangers”.
- e) There are currently no sufficiently effective *institutional* arrangements for handling the problem of international rescue on a consistent basis.
- f) Decisions about whether to intervene are not determined mainly by moral considerations.

⁴⁴ I borrow this term from Bernard Williams, (Williams, 2005).

5.7 Concluding remarks

In this chapter I have presented an example of how one may constructively make use of empirical political science in order to gain a better understanding of which contextual features exist to be navigated.

The case-study analysis provided in this chapter builds on the argument from chapter four, where I made the case that a constructive way to establish context is to engage in a *dialogue* with empirical political science and, subsequently, developed a strategy for implementing my proposal, which included recommending a case-study approach. Important to remember is that the rationale for wanting to increase sensitivity to context is the desire for more non-ideal theory that deals with more specific moral questions, thus enhancing the potential for action-guidance. In essence, the present chapter has provided an example of how case-study analysis may be conducted in order to gain a better understanding of issue-specific, relevant context.

In so doing I have contributed to the meta-theoretical debate on how to make normative political theory as well as making a contribution in terms of establishing important and recurring contextual features relating to international rescue. Both of these contributions may well prove helpful in terms of providing some of the ground work for future normative theorising on international rescue.

6 Conclusion

In this thesis I have sought to answer:

How ought we to go about treating difficult political questions such as that of international rescue within the field of political theory?

And the sub-question:

How can we make more action guiding political theory?

In what is to follow I will, first, reiterate the research strategy and the main findings as a means to sum up and present the answer to my research question, before presenting an overview of the contributions I have made. Lastly, I will present suggestions for future research.

6.1 Recap of findings

My research objective sprung out of the argument that the debate on the Responsibility to Protect, popularly called R2P, has moved onto an unconstructive path. Rather than debating the question of how to improve reactions to mass-atrocities in foreign countries, the discussion is mostly centred on questions on how to preserve the concept qua concept. Due to this and the inherent lack of potential for action-guidance, and based on the premise that mass-atrocities ought not to go on unchallenged, I therefore made the argument that it may be constructive to return to the theoretical roots, political theory.

Based on the objective of examining how political theory can help further the debate, I then presented an example of contemporary political theory on the issue; the liberal egalitarian cosmopolitan theory of Simon Caney. The choice of Caney's theory followed logically from my argument that the theoretical underpinnings of the R2P debate can be found within a cosmopolitan framework and that Caney's theory is a contemporary and representative example of such theory. To reiterate, Caney's argument is built on the following assumptions: Individuals have inherent value and rights worthy of respect. Institutions on the other hand only have value insofar as they respect the value of individuals. From the assumption that individuals have value and rights worthy of respect, it follows that other people have a duty to

protect these rights. Consequently, if humanitarian intervention⁴⁵ is an appropriate means through which to protect such rights, then humanitarian intervention is legitimate. Caney concluded that even though humanitarian intervention has been faced with a number of difficulties on practice, there is no reason why, in principle, humanitarian intervention cannot be an appropriate means to protect the rights of individuals in danger. The next part of his argument involves the question of under which conditions humanitarian intervention may be legitimate. On this Caney adopted the framework from the Just War Tradition and concluded that humanitarian intervention may be legitimate when; there is a just cause, the response is proportional, less awful measures have been considered, there is a reasonable chance of meeting the objectives, there is legitimate authorisation and the intervention does not impose undue costs on those intervening. In sum, the presentation and the subsequent analysis of some of the most central problems with such theory contributed to showing that, despite Caney's calling his theory non-ideal, he runs into some of the same problems that have affected the R2P-debate.

Seeing as questions of guidance intuitively arise when dealing with how to react to questions such as international rescue, and given that contemporary political theory on the issue as exemplified by Caney does not seem to be sufficiently action-guiding, I then made the point that the debate on ideal and non-ideal theory is a constructive means through which to analyse and guide the making of political theory. Through the presentation of this debate I suggested that a constructive way to conceive of it is in terms of *fact-sensitivity* and *action-guidance*. Importantly, I showed that these terms and, by consequence, the very notion of ideal and non-ideal theory ought to be considered as being scalar. When understanding the debate in this way, the discussion becomes more constructive for the field of normative political theory as a whole. In simple terms this is because when considering the debate as scalar as opposed to dichotomous, theories of different degrees of idealisation can be combined, or work together, to deal with different aspects of the same problem. By consequence, the field of normative theory becomes a more comprehensive tool and acquires a greater potential for guiding action in the direction set forth by the principles of justice. From this it also follows that it is not constructive to think of ideal and non-ideal theory as being right or wrong for normative theory, but that instead one ought to think of the two, or rather the spectrum of theories

⁴⁵ Caney uses the term humanitarian intervention and I find it fair to use this expression when describing his theory.

spanning from the extreme ideal to the extreme non-ideal, as complementary. In important respects, this can be seen as a third way of conceiving of the debate.

Having presented the ideal/non-ideal debate, I proceeded to use the theoretical framework from the debate on ideal and non-ideal theory to suggest a strategy for how to go about making more context-sensitive and action-guiding non-ideal theory. Put briefly, the strategy I suggested involves a process where one engages in a *dialogue* with empirical political science in order to determine what sort of context there is to be sensitive to. One way to engage in such *dialogue* is to make use of existing empirical research on particular cases in order to be able to map what the relevant context is on the issue in question. By way of doing this I suggested that a constructive approach would be to conduct mini case-studies.

Following on from the suggested strategy for helping to establish context for non-ideal theory, I then presented an example of *how* one might engage in case studies to this end on the issue of international rescue. Being aware of the inherent limitations with regards to potential for generalisations following from the limited format of the design, my case-study analysis followed generally recognised principles for research design and case-selection, and by way of providing maximum variance in terms of the outcome of the cases I selected one case of non-intervention, Rwanda; one case where there was intervention but where the means used were inappropriate for rescue purposes, Kosovo; and finally one case of intervention, the EU Artemis-operation in the DRC. With an emphasis on source triangulation I then conducted a brief analysis on each case using structured questions. I found that despite different outcomes in terms of whether there was intervention, the cases show that there are several recurring features regarding the dynamics of decision-making in cases where there is a need for international rescue. These include:

- g) International rescue is conducted with significant irregularity and on an ad-hoc basis.
- h) Decisions about whether to intervene are characterised by “non-trivially political” dynamics.
- i) There is no mechanism for allocating responsibility for *who* should intervene.
- j) There is often considerable disagreement among the permanent five members of the UN Security Council when it comes to the *primacy* of “saving strangers”.
- k) There are currently no sufficiently effective *institutional* arrangements for handling the problem of international rescue on a consistent basis.

- l) Decisions about whether to intervene are not determined mainly by moral considerations.

In sum, and as to the question of how we ought to go about treating difficult political questions such as that of international rescue within the field of political theory, my answer is the following. Based on the different part of the analysis, each in their own way contributing to answering the question, I argue that by using the lessons from the ideal/non-ideal debate and focusing more on the non-ideal contextual features of the issue of international rescue, political theory can be concerned with less general and more specific questions, and thus, improving its potential for action-guidance when it comes to how one should go about treating the problem of international rescue in political theory. Consequently, I argue that a turn towards more non-ideal theory can prove a constructive path to pursue. And, as I have shown, political theory from different parts of the ideal/non-ideal spectrum can help solve different parts of the same political problems.

As for the sub-question of how we ought to go about making more action-guiding political theory, I have argued that through increased attention to fact- and context-sensitivity it is possible to focus on more specific questions of justice and thereby make theory that is more closely connected to the problems facing actors on the ground and, by consequence, that has a greater potential for action-guidance.

6.2 What have I contributed?

In this thesis I have made three important contributions:

- a) The *practical* contribution of showing that when considering how to react to mass-atrocities one ought to consider a wider range of questions than has so far been the norm. These may include: who should intervene? Which institutional changes should be made in order to make international rescue more efficient and just? How should one deal with the question of political will?
- b) A *theoretical* contribution when it comes to how one should conceive of ideal and non-ideal theory. I argue that ideal and non-ideal theory should be considered as part of a continuum as opposed to dichotomous. This conclusion follows from my contention that whereas the main output of normative political theory is different degrees of action-guidance, the main variable determining this output is different

degrees of fact-sensitivity, and that the terms ideal and non-ideal theory can usefully be seen as overarching labels indicating the aims of theories. In sum, I argue that theories of different degrees of idealisations can represent different solutions to different parts of the same problem and that consequently, a scalar conception to the ideal/non-ideal divide helps broaden the field of application of normative theorising, representing a third way of conceiving of the ideal/non-ideal debate.

- c) A *theoretical* and *methodological* contribution when it comes to suggesting a strategy for how one can go about making normative theory towards the non-ideal end of the spectrum. The strategy that I suggest is to establish a *dialogue* with the world, which, in practice, should be thought to mean established empirical knowledge. By so doing it becomes possible to establish issue-specific, relevant context. Based on this knowledge about context it becomes possible to make more context-sensitive normative theory dealing with questions of lesser generality and of greater specificity. In sum I argue that such an approach is a constructive strategy when making more non-ideal theory.

6.3 Where to from here – Whither political theory on international rescue?

Having argued that there is reason to give further attention to non-ideal theory when dealing with difficult political questions such as that of international rescue and suggested a strategy for how political theory can achieve a greater sensitivity to context, I will now point to the implications for future theorising on the issue.

Hence, I contend that when it comes to theorising on the issue of international rescue, in addition to examining ideal principles of justice, theorists ought to take the specific questions and difficulties facing actors more seriously, and thus take a step in the direction of non-ideal theorising. In so doing there are a range of questions that are in need of more thorough theoretical treatment. These are but a few suggestions:

- From the national domain there has been a tendency to institutionalise decision-making on intervention issues⁴⁶, and therefore it seems a constructive idea for future

⁴⁶ I think here mainly of interventions such as policing and child protection.

normative political theorising to be engaged with questions on what legitimate institutions on international rescue ought to look like.

- Also, while there is an extensive amount of theory covering the question of *whether* it is legitimate to intervene, little attention has been devoted to *who*, in principle, should intervene?⁴⁷ Consequently, there seems to be ample opportunity to look further into this issue.
- Finally, seeing as the lack of political *will* has dominated much of the literature on international rescue and humanitarian intervention, perhaps it could be that this is also an issue worthy of future thought.

6.4 Coda

The problem of mass-atrocities being committed around the world is, sadly, likely to remain an important problem for the international community for the foreseeable future. As such, the world in which we live will continue to be non-ideal, inhabited as it is by people who do not comply with principles of justice, at least not to the desired extent. Future theorising on international rescue is therefore imperative.

⁴⁷ James Pattison has provided an important contribution in terms of who should intervene, see (Pattison, 2010).

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