



Lincoln/Douglas March/April Affirmative Analysis

The current Lincoln-Douglas topic touches on many classic issues at the heart of international relations studies. The resolution, **Resolved: The United States is justified in intervening in the internal political processes of other countries to attempt to stop human rights abuses**, is particularly challenging because it centers around an evolving debate on the rights and responsibilities associated with statehood as well as the moral constraints imposed upon global actors.

Today, we're going to discuss the affirmative arguments on this resolution. Affirmative debaters certainly have the strength of recent literature on their side. Humanitarian intervention, particularly the **"responsibility to protect" (R2P)** doctrine, is having a bit of an academic and public policy renaissance. Few scholars are still willing to take so strict a view of nation-state **sovereignty** (the right of individual countries to govern according to their preference, free from outside intervention) as to preclude intervention in all instances. The affirmative, then, is at a slight research advantage in the academic sphere and likely to find loads of excellent evidence. That said, there are some distinct research areas we'll highlight as the most potentially persuasive. We'll begin with the most general:

- 1. The responsibility to protect victims of human rights abuses outweighs an absolute right to sovereignty.**

Although scholars concede that respect for sovereignty is desirable as a constraint against nations disregarding each other's borders for trivial or self-interested reasons, many argue that human rights abuses present a special case. Oppressive governments, they argue, forfeit their right to sovereignty when they choose to abuse their citizens. Manuela Aguilar explains,

Manuela Aguilar, 2005 ["WHO SHOULD DETERMINE THE JUST CAUSE OF HUMANITARIAN INTERVENTION?." *Social Alternatives* 24, no. 3: 17. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).]

The principle of sovereignty might inhibit the protection of universal human rights. States have accepted other obligations under international law to protect human rights and **violators may hide behind the protection of sovereignty**. Thus, during the past years the Charter's meaning has increasingly been interpreted away from an exclusive focus on sovereignty towards an emphasis on balancing sovereignty with human rights, such as articulated by Article 55. **Sovereignty as a concept outlines the legal identity of a state within international law and gives order and stability to the international system, since all states are equal before the law**, independent of their territorial extension or wealth. Internally, **sovereignty signifies the authority to take decisions with respect to citizens and recourses of a state within the state's territory**. In a democratic state, **this right is not absolute, but regulated by a national constitution and limited by the power sharing principle**. Today's discussion over the concept of **sovereignty**, however, **does not only attribute rights, but also obligations**, among them first and foremost the obligation of a sovereign state **to protect its own citizens, making sovereignty a responsibility, not an impunity**. Sovereign states have a responsibility to protect their own citizens from avoidable catastrophe and serious harm, such as large scale loss of life, actual or apprehended, with genocidal intent or not, **as a product of deliberate state action or state neglect or inability to act, or a failed state situation, including mass murder, ethnic cleansing on a large scale, rape and starvation, or harm as a result of internal war, repression, insurgency or state failure**. Consequently, **when states are unwilling or unable to do so, the international community has a moral right and duty to take**



over that responsibility, **since the state forfeited the right of sovereignty**. From that follows that state governments can lose their internal sovereignty (albeit temporarily) if they don't fulfill those obligations (ICISS 2001). Those who urge a 'duty to intervene' seek to shift the terms of debate from the self-interest of the interveners to a higher moral plane, in which a common morality, upheld and supported by a civil and caring international society prevails over mere national interests (Janzekovic 2005).

She makes a few arguments here. The first is the basic superhero argument: **with great power comes great responsibility**. She argues that governments should not consider sovereignty (freedom from outside intervention) to be a natural right; that is, something that they acquire simply by virtue of existing as states. Rather, sovereignty should be viewed as a privilege, or quid pro quo. Essentially, the international community grants a state sovereignty only in exchange for its agreement to protect its citizens from harm.

So, let's say the imaginary nation of Moose declares independence and the international community recognizes its government as sovereign. Aguilar argues that this means they are promising to defer to Moose's government's judgment on how best to govern its people, even if they disagree. So, if Moose decides to make strange laws or holds its elections differently than other nations do but otherwise protects its citizens from serious harm, those nations need to leave Moose alone to figure that out. That said, if Moose starts violating the human rights of its people, then the international community's promise no longer applies and they can begin to take measures to protect the people of Moose. This is because the government is no longer a responsible actor and has essentially breached its contract.

She argues that this caveat of sorts is important because, if we don't make an exception in the face of rights violations, then endless human rights violators will simply hide behind sovereign nation status while committing acts that go against common morality. Moreover, **deterrence** is important. Nations need to believe that their sovereignty can be violated if they abuse human rights or nations who would commit heinous acts have no reason not to do so. By conceiving of human rights as a moral side constraint to sovereignty, we give states and their leaders an incentive to govern in such a way as respects human rights because otherwise they will lose the privilege.

Fernando Teson concurs, arguing:

Fernando R. **Teson, 2011** ["HUMANITARIAN INTERVENTION: LOOSE ENDS." Journal Of Military Ethics 10, no. 3: 192-212. Academic Search Complete, EBSCOhost (accessed March 5, 2013)].

A first objection to humanitarian intervention is that it violates the sovereignty of the target state. The idea is that there is something valuable in confining political processes to the citizens of the state, and that the principle of sovereignty protects precisely this collective autonomy. Foreigners who use force to alter these processes are disrespecting the citizens of the target state. To evaluate this objection **we need to distinguish states from governments. International law establishes the principle of state sovereignty. But states are artificial constructs created to protect and respect persons. The principle of sovereignty, therefore, is entirely derivative from the interests and rights of individuals.** Now, civil society has many layers. Let us call a morally valuable political relationship among citizens the horizontal contract. The horizontal contract comprises those customs and social processes that citizens value, and which are objectively justified (that is, they are not oppressive to persons or groups). These customs and social processes are independent of the moral standing of the government. A society may have a justified horizontal contract while enduring an unjustified regime. To the extent that states reflect these valuable



structures and protect the lives and freedoms of their citizens, they are morally protected against external encroachment. These structures are shielded by sovereignty. **To this extent, but this extent only, states are worth defending. If states do not embody a justified horizontal contract they cease to be morally protected. Unjust states are not protected by sovereignty.** (Of course, the individuals that populate the unjust state still have their rights; they are morally protected.) When, in addition to having valuable social structures, a society has a legitimate government, this government will be protected as well this is the vertical social contract.³ This distinction suggests a corresponding distinction in the doctrine of humanitarian intervention. That a state is illegitimate means that the horizontal social contract is morally unjustified. For example, laws that allow for the official oppression of women are not part of the social fabric that deserves to be protected, no matter how old and revered. In contrast, that a government is illegitimate means that it fails to observe human rights, including democratic rights. A society with a perfectly legitimate horizontal contract may have a flawed vertical contract, that is, a tyrannical regime. The converse, however, will rarely be true. For if the horizontal social contract is flawed, then the fact that the government is elected democratically and does not otherwise violate human rights is of little consequence, given how unjust the society is. Thus, for example, the defunct apartheid South African state had an illegitimate horizontal contract, because the constitution itself legalized the oppression of non-whites by the whites. The fact that the government was periodically elected was irrelevant, since a major role of that government was to enforce the illegitimate laws of the country.

Teson is responding here to an argument commonly made in favor of state sovereignty, namely that different countries may have drastically different customs and, many of which are difficult for outsiders to understand. Allowing outsiders to judge the value of a custom or method of governance robs a sovereign nation of the right to represent its people in a unique way. He makes a few arguments:

He argues that a “sovereign state” is, in essence, a contract between the people of the state and its government. Just as with any social contract, the people in a state consent to give up some of their freedoms in order to be governed (vertical contract) in such a way as respects the values they share with one another (their horizontal contract). Teson argues that both halves of this equation may behave in ways that invalidate sovereignty and justify intervention.

The first way that they can do this is to share a “value” which is morally reprehensible. So, even if the vast majority of the people in a country believe a certain ethnic minority should be slaughtered, this shared value should not be protected by sovereignty because it violates a severe moral rule.

The second way sovereignty can be abdicated is for a government to break its promise to its people that it will defend them from avoidable harm according to their needs. If the government does this, it is no longer “governing” in any reasonable sense and should be subject to correction by intervening actors.

Essentially, he concludes that sovereignty is not only outweighed by the imperative to intervene to protect human rights but also that states engaging in rights violations aren’t meaningfully sovereign states in the first place.

In debates, you can use these arguments to carve out exceptions to the value of sovereignty or, alternatively, to argue that intervention doesn’t violate sovereignty at all.

2. Human rights transcend borders.



On a related note, many intervention advocates argue similarly against the kind of **moral relativism** embraced by advocates of state sovereignty. Moral relativists believe that anything could be considered moral depending on its context. So, if the people of a given state are killing an ethnic minority or harming women, a moral relativist might argue that these decisions, while reprehensible to outsiders, may actually make sense in their local context, to people with a particular set of life experiences that make them amenable to commit these acts. Thus, intervention is not justified because, locally, what these actors are doing is not understood as “wrong” or “evil.” Intervention advocates like Aguilar beg to differ, arguing:

Manuela Aguilar, 2005 ["WHO SHOULD DETERMINE THE JUST CAUSE OF HUMANITARIAN INTERVENTION?." Social Alternatives 24, no. 3: 17. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).]

Despite all those interrogatives, the establishment of an international consensus on legitimate and universal principles, within the framework of international law and applied fairly and consistently is a necessary, if not inevitable, goal. We cannot accept in the 21st century that fundamental human rights are violated and that crimes against international humanitarian law are being committed on a large scale without consequences. From the ethical viewpoint, there is no way we can escape the moral obligation to act. The question remains, however, of who has the right authority to decide upon the action to be taken.

Essentially, she's saying:

1. Although people may disagree, most of the world can agree on certain violations of human rights as unacceptable even in a very specific context (rape, genocide, etc.)
2. If that consensus does not exist, it is desirable to make it exist in order to foster an ethical global collective of nations.
3. The only way to build consensus where there is none is for the majority to intervene in instances where they believe these self-evident principles (such as the idea that rape and killing are bad) are being violated. Thus, intervention is the key mechanism by which the world becomes better.

She's also making the deterrence argument again, but in another way. Essentially, she argues that in unless global norms against morally unacceptable conduct are credibly and continuously reinforced, the institutions trying to bring about these values have no chance of success. She continues:

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In the end, if an international moral society exists, then that society has to get involved in the decisionmaking process, make its voice heard and create for itself a space that could help to humanize that process and thus the entire system of the United Nations. 'The influence of the United Nations,' as Kofi Annan (2000, XV) once said, 'derives from the force of the values it represents, its role to set and sustain global norms and international law, its ability to stimulate global concern and action and the trust inspired by its practical work on the ground to improve people's lives. The effectiveness of the UN in all of these endeavours depends on partnerships: among governments, civil society groups and the private sector, and most of all among people'.



In other words, who on earth would listen to global institutions like the United Nations unless their actions reflect their stated views? Thus, if the UN says they are against genocide, then they need to proactively work to stop genocide wherever it exists or they risk jeopardizing the international consensus that gives them legitimacy. People tend not to listen to hypocrites.

3. Chance of success outweighs potential for failure.

Although many advocates for intervention argue that, regardless of success, intervention is the right thing to do because it appropriately expresses the international community's outrage at serious rights violations while preventing us from being bystanders. Bystanders, they argue, are just as bad evildoers because, if you're in a position to help, you should. That said, many critics of intervention dismiss this view as hopelessly naïve. They stress that foreign interventions are often long, hard missions with little chance of success. They argue that, as they may do more harm than good, we ought not intervene at all. In order to win a debate on this affirmative, you will probably need to beat this argument. The answer is best summarized by Michael Walzer,

Michael Walzer, 1995 ["The Politics of Rescue." *Social Research* 62, no. 1: 53. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).]

Even the risk of a blocked exit and a long stay. These days, for reasons we should probably celebrate, countries in trouble are no longer viewed as imperial opportunities. Instead, the metaphors are ominous: they are "bogs" and "quagmires." Intervening armies won't be defeated in these sticky settings, but they will suffer a slow attrition—and show no quick or obvious benefits. How did the old empires ever get soldiers to go to such places, to sit in beleaguered encampments, to fight an endless round of small, wearying, unrecorded battles? Today, when every death is televised, democratic citizens (the soldiers themselves or their parents) are unlikely to support or endure interventions of this kind. And yet, sometimes, they ought to be supported and endured. Consider: if some powerful state or regional alliance had rushed troops into Rwanda when the massacres first began or as soon as their scope was apparent, the terrible exodus and the cholera plague might have been avoided. But the troops would still be there, probably, and no one would know what hadn't happened. Two forms of long-lasting intervention, both associated in the past with imperial politics, now warrant reconsideration. The first is a kind of trusteeship, where the intervening power actually rules the country it has "rescued," acting in trust for the inhabitants, seeking to establish a stable and more or less consensual politics. The second is a kind of protectorate, where the intervention brings some local group or coalition of groups to power and is then sustained only defensively, to ensure that there is no return of the defeated regime or the old lawlessness and that minority rights are respected. Rwanda might have been a candidate for trusteeship; Bosnia for a protectorate. These are arrangements that are hard to recommend and that would, no doubt, be hard to justify in today's political climate. The lives they saved would be speculative and statistical, not actual lives; only disasters that might have occurred (but how can we be sure?) would be avoided. This is rescue-in-advance, and it will be resisted by those local elites who believe that the need for rescue will never arise if they are allowed to take charge—or who are prepared to take charge at any cost. The very idea of a "failed state" will seem patronizing and arrogant to a group like, say, the Rwandan Patriotic Front, which hasn't yet had a chance to succeed. Nor is the history of trusteeships and protectorates particularly encouraging: the contemporary horror of the Sudanese civil war, for example, is no reason to forget the oppressiveness of the old "Anglo- Egyptian Sudan." Nonetheless, given what is now going on in Southeast Europe and Central Africa, morally serious people have to think again about the human costs and benefits of what we might call "standing interventions." Haiti today [October 1994] might provide a test case, since the U.S.-led, multinational force serves as the protector of the restored Aristide government—and that role is likely to be an extended one.

Walzer is making a very simple but necessary impact calculus argument: essentially, it's impossible for us to know when an intervention succeeds and by how much because we tend to count lives lost instead of



lives saved. This is an understandable human predisposition— while it's easy to say who has died, it's much harder to say with certainty that a living person would have died had circumstances been different. He argues that, as a result, we have a kind of confirmation bias that encourages us to accept evidence that an operation is a failure by focusing on what it didn't do or what it cost (soldiers' lives, lots of money – both very important, no doubt, but analysis should be comparative) rather than how many lives it saved. Thus, we overestimate the likelihood of failure and underestimate the benefit of success by a large margin.

He uses this conclusion to argue that interventions are almost always preferable to what would have happened without said intervention, even if they're incredibly costly. This is because the conditions that prompt interventions in the first place are often so bad as to be unlikely to get better on their own without a sustained international effort.

4. Criticisms of interventions as imperial or violent miss the point.

On a related note, many anti-intervention advocates argue that interventions are immoral because they subject innocent people to risk of death or suffering. Soldiers, for example, may be killed or may unintentionally yet unavoidably kill innocent civilians in an intervention even in the best of circumstances.

Interventions are, by definition, difficult and complex. If a simpler or safer solution were viable, it's likely that the international community would simply do that instead of risking entanglement in dangerous areas of the globe. Teson, however, argues that these criticisms miss the point because they impose a false moral distinction:

Fernando R. **Teson, 2011** ["HUMANITARIAN INTERVENTION: LOOSE ENDS." Journal Of Military Ethics 10, no. 3: 192-212. Academic Search Complete, EBSCOhost (accessed March 5, 2013)].
Most people would endorse (perhaps reluctantly) the internal use of force in these two cases. Yet, in the Rodelia case many will object if foreign armies invade to stop the atrocities in the Rodelian province (imagine that the Rodelian federal government is unable to act). And in the Andinia case they will likewise object to foreign troops aiding the liberal revolutionaries against the junta. In both cases noninterventionists will oppose foreign involvement even if everything else remains the same, that is, even if the number of casualties and other destruction caused by the violence would remain constant. In fact, non-interventionists will likely oppose intervention even if foreign interventions would cause more good than harm (reduce casualties and so forth). Yet **there is no moral difference between the internal political violence in these imaginary cases and the foreign interventions** having identical purpose and effect. Noninterventionists claim that national borders produce a change in the description of the acts of humanitarian rescue (Rodelia) and justified revolution (Andinia): the actions are no longer humanitarian rescue or revolution, but war. The rationale for this difference is entirely mysterious. Critics who ground their opposition to humanitarian intervention on the impermissibility of killing innocents cannot adequately explain their endorsement of internal force to stop genocide, or liberal revolutions to depose tyrants, because in these instances innocents also die. The Rodelian case highlights the moral insignificance of national borders, because there is no relevant difference between the national army rescuing victims of genocide and a foreign army doing the same thing. The Andinian case shows the inconsistency of praising justified



revolutions but opposing foreign aid to them, even when that aid is the revolutionaries' only hope for success.

Teson argues that a life is a life and all lives are morally equivalent. Thus, by disdainful intervention to protect the lives of those who would intervene, what we are really saying is that we value some lives over the lives of others. This is a dangerous precedent because making value judgments about the relative value of one life versus another for any reason is the first step in a number of moral atrocities.

If interventions work, he argues, then we should accept possible casualties because casualties are inevitable in such circumstances. Given that, we should go with whichever option best preserves our moral compass and has the best chance for success. If that's a foreign intervention, we shouldn't try to make qualitative judgments based on an artificial preference for local forces to shoulder all the risk.

Walzer continues,

Michael Walzer, 1995 ["The Politics of Rescue." *Social Research* 62, no. 1: 53. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).]

This last question is probably the crucial one in making intervention increasingly difficult and unlikely. It is very hard these days, in the Western democracies, to put soldiers at risk. But humanitarian interventions and peacekeeping operations are first of all military acts directed against people who are already using force, breaking the peace. They will be ineffective unless there is a willingness to accept the risks that naturally attach to military acts—to shed blood, to lose soldiers. In much of the world, bloodless intervention, peaceful peacekeeping is a contradiction in terms: if it were possible, it wouldn't be necessary. Insofar as it is necessary, we have to acknowledge the real status and function of the men and women whom we send to do the job. Soldiers are not like Peace Corps volunteers or Fulbright scholars or USIA musicians and lecturers—who should not, indeed, be sent overseas to dangerous places. Soldiers are destined for dangerous places, and they should know that (if they don't, they should be told). This is not to say that soldiers should be sent recklessly into danger. But acknowledging their status and function poses the question that has to be answered before they are sent anywhere, at the moment their mission is being defined: is this a cause for which we are prepared to see American soldiers die? If this question gets an affirmative answer, then we cannot panic when the first soldier or the first significant number of soldiers, like the eighteen infantrymen in Somalia, are killed in a firefight. The Europeans in Bosnia, it has to be said, didn't even wait to panic: they made it clear from the beginning that the soldiers they sent to open roads and transport supplies were not to be regarded as soldiers in any usual sense; these were grown-up Boy Scouts, doing good deeds. But this is a formula for failure. The soldiers who were not soldiers became, in effect, hostages of the Serbian forces that controlled the roads: subject to attack if anyone challenged that control. And the European governments became in turn the opponents of any such challenge. Should we put soldiers at risk in faraway places when our own country is not under attack or threatened with attack (not Maine or Georgia or Oregon) and when national interests, narrowly understood, are not at stake? I am strongly inclined, sometimes, to give a positive answer to this question (whether volunteers or conscripts should bear these risks is too complicated to take up here). The reason is simple enough: all states have an interest in global stability and even in global humanity, and in the case of wealthy and powerful states like ours, this interest is seconded by obligation. No doubt, the "civilized" world is capable of living with grossly uncivilized behavior in places like East Timor, say—offstage and out of sight. But behavior of that kind, unchallenged, tends to spread, to be imitated or reiterated. Pay the moral price of silence and callousness, and you will soon have to pay the political price of turmoil and lawlessness nearer home. I concede that these successive payments are not inevitable, but they come in sequence often enough. We see the sequence most clearly in Hannah Arendt's description of how European brutality in the colonies was eventually carried back to Europe itself. But the process can work in



other ways too, as when terrorist regimes in the third world imitate one another (often with help from the first world), and waves of desperate refugees flee into countries where powerful political forces, not yet ascendant, want only to drive them back. **For how long will decency survive here, if there is no decency there**} Now obligation is seconded by interest. As I have already acknowledged, interest and obligation together have often provided an ideology for imperial expansion or cold war advance. So it's the political right that has defended both, while the left has acquired the habit of criticism and rejection. But in this post-imperial and post-cold war age, these positions are likely to be reversed or, at least, confused. Many people on the right see no point in intervention today when there is no material or, for that matter, ideological advantage to be gained. "What's Bosnia to them or they to Bosnia/that they should weep for her?" And a small but growing number of people on the left now favor intervening, here or there, driven by an internationalist ethic. They are right to feel driven. Internationalism has always been understood to require support for, and even participation in, popular struggles. Liberation should always be a local initiative. In the face of human disaster, however, internationalism has a more urgent meaning. It's not possible to wait; anyone who can take the initiative should do so. Active opposition to massacre and massive deportation is morally necessary; its risks must be accepted.

Walzer makes a few arguments:

1. He differs from Teson by arguing that there is a difference between the lives of intervening foreign soldiers and the lives of those they are tasked with protecting. The difference, however, is that soldiers' lives, while they are certainly equally as valuable as other lives, should be considered concurrently with an element of choice. Soldiers choose to be soldiers in most cases and, even in those where they do not, are often aware that they are being asked to engage in dangerous acts and are prepared for them (armed, trained, etc.) Victims of human rights abuses often have no choice, no warning, no weapons, and no training, making their deaths less morally permissible than the deaths of soldiers. With this in mind, intervention is more justifiable than non-intervention.
2. Further, interventions are doomed to failure and often make the situation worse if we equivocate on this question. Sending soldiers with a mandate so narrow that they are unable to do their jobs (for instance, they can pass out food but can't use weapons, etc.) defeats the purpose of sending soldiers in the first place.
3. It is to be understood that the presumption not to send soldiers into harm's way can always be respected even if we adopt this ethic. Walzer concedes that intervention should be a last resort, when all other efforts have failed. That said, when all other options have failed, we shouldn't shy away from a violent or dangerous option. On the contrary; for Walzer, this means violence is explicitly justified because it is not just one way of handling a situation; it's the only way left.

At the end of the card above, he makes a final argument that:

5. Interconnectedness ensures low-level conflicts inevitably affect global interests.

Walzer points out that we live in an increasingly connected world. With instant communication and high levels of trade and economic interdependence, it's become mostly impossible to isolate one's nation from the consequences of rights violations in another. Human rights violations often precede conflict when the oppressed groups have nothing to lose and inevitably confront their oppressors. Conflict has a way of spreading – refugees cross borders and destabilize neighboring countries. Those countries may



become overwhelmed by the influx of asylum seekers and commit rights violations of their own, if only through negligence. That causes more conflict; alliances are called in, etc. until everyone is involved. This phenomenon is called **escalation**.

Moreover, even if widespread escalation is rare, the existence of a state committing grave violations of rights with no consequences may embolden other dangerous regimes to engage in similarly oppressive tactics to handle dissent because they no longer fear reprisal. In any case, refusing to tolerate rights violations anywhere can be understood as a form of insurance that, if your nation ever became oppressive, other nations would come to liberate you.

That's all for today! We hope this was helpful. As always, you can send your completed cases for a free critique to lauren.sabino@ncpa.org. If you have questions, you're free to e-mail us or join the discussion in our comments section. Good luck this season!