



Lincoln/Douglas March/April Negative Analysis

Recently, we discussed a number of arguments on the affirmative side of the March/April resolution, **Resolved: The United States is justified in intervening in the internal political processes of other countries to attempt to stop human rights abuses.** Today, we're taking a look at the other side of the coin – reasons why human rights interventions are not justified.

I'll start by mentioning a few things. On this side of the resolution, you'll want to make sure you're very clear about what "human rights" means. Ideally, you'll want to find an expansive definition of "human rights abuses" so that you can try to stop the affirmative from defending only last-resort measures to combat the very worst atrocities.

That said, there are a number of compelling reasons to avoid intervention in human rights abuses entirely, and today we're listing the top seven to aid in the construction of your comprehensive negative arsenal. We'll start with the core of the debate,

1. Sovereignty outweighs the responsibility to protect – intervention necessarily violates sovereignty.

As Manuela Aguilar discusses,

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 the ongoing debate on practically every aspect concerning the concept of humanitarian intervention, somewhat of a general consensus has now emerged that humanitarian intervention constitutes an armed intervention in another state, without the agreement of that state, to address (the threat of) a humanitarian disaster, in particular caused by grave and large-scale violations of fundamental human rights. The key aspects of this definition are related to sovereignty and human rights. Firstly, for an action to be intervention, sovereignty of the state being intervened in must be breached. Secondly, for an intervention to be humanitarian, the desire to address violations of human rights should be the driving force in the intervention decision.

Thus, nations asking for assistance from the international community are excluded, as are other "interventions" such as sending food aid or Non-Governmental Organizations to give vaccinations or other assistance. Interventions may be a necessary pre-requisite for these measures, but intervention means breaching a state's sovereignty (assumed freedom from outside interference) in order to impose, with the possibility of violence, an international human rights ideal on a wayward government.

Intervention, then, requires a decision by the international community to enter a country uninvited and impose a solution. This necessarily breaches the right of sovereignty, which many experts say would be disastrous for a few reasons. Michael Walzer (here summarizing, NOT advocating the position), explains:



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

The presumption against intervention is strong; we (on the left especially) have reasons for it, which derive from our **opposition to imperial politics and our commitment to self-determination, even when the process of self-determination is something less than peaceful and democratic. Ever since Roman times, empires have expanded by intervening in civil wars, replacing "anarchy" with law and order, overthrowing supposedly noxious regimes. Conceivably, this expansion has saved lives, but **only by creating in the process a "prison-house of nations," whose subsequent history is a long tale of prison revolts, brutally repressed.** So it seems best that people who have lived together in the past and will have to do so in the future should be allowed to work out their difficulties without imperial assistance, among themselves. The resolution won't be stable unless it is locally grounded; there is little chance that it will be consensual unless it is locally produced.**

In essence, many believe that intervention robs a state of its natural ability to emerge from contestation on its own terms. For instance, many nation states (including the United States) were and continue to be founded after a prolonged period of conflict. The process of deciding how to govern, what is just, and what works in a specific context is messy and best handled by those with a serious stake in the outcome. The logic goes that any imposed solution will ultimately be temporary because it was the result of what outside actors thought best, not the eventual decision of those who must live that way every day. The logic of sovereignty dictates that we should let people decide how to be governed and, if that includes allowing some customs that may be strange or even abhorrent to us, we should defer to their judgment.

Moreover, many argue that without this important value of choice, nations can never truly be free because their actions will always be subject to an international veto. In order for an international nation-state system to exist, these scholars caution, we need to become very comfortable with the idea that some other countries will do things that do not represent our values. This is because, without living there, embedded in their culture, we can never adequately understand and judge their behavior. If a world government were desirable, scholars argue, we would have one. Since we do not, we need only mind our business and encourage our own governments to take adequate measures to keep us safe.

This may seem callous, but the benefits span a number of values: liberty, choice, self-determination, etc. Giving people the power to choose their destiny is an important measure. Even in nations with few of the freedoms we consider to be so important or with potentially brutal methods of governance, we should remember that these practices emerged from many years of constant flux and negotiation and may yet change on their own. The only question is whether we upset that delicate balance by intervening.

2. Inherent complexity makes effective intervention undesirable.

Conflicts are hardly ever quite as clear-cut as we find them to be watching from afar. As Michael Walzer summarizes (again, not advocating, just explaining):

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



But that's not always easy. On the standard view of humanitarian intervention (which I adopted when writing *Ju^t and Unjust Wars* almost twenty years ago), the source of the inhumanity is conceived as somehow external and singular in character: a tyrant, a conqueror or usurper, or an alien power set over against a mass of victims. The intervention then has an aim that is simple as well as negative: remove the tyrant (Pol Pot, Idi Amin), set the people free (Bangladesh), and then get out. Rescue the people in trouble from their troublemakers, and let them get on with their lives. Help them, and then leave them to manage as best they can by themselves. The test of a genuinely humanitarian intervention, on this view, is that the intervening forces are quickly in and out. They do not intervene and then stay put for reasons of their own, as the Vietnamese did in Cambodia. But what if the trouble is internal, the inhumanity locally and widely rooted, a matter of political culture, social structures, historical memories, ethnic fear, resentment, and hatred? Or what if the trouble follows from state failure, the collapse of any effective government, with results closer to Hobbes's than to Kropotkin's predictions—not quite a "war of all against all" but a widely dispersed, disorganized, and murderous war of some against some? No doubt, there are still identifiable evil-doers, but now, let's say, they have support at home, reserves, evil-doers in waiting: what then? And what if there are overlapping sets of victims and victimizers, like the Somalian clans and warlords or, perhaps, the religious/ethnic/ national groupings in Bosnia? In all these cases, it may well happen that **the quick departure of the intervening forces is followed immediately by the reappearance of the conditions that led to intervention in the first place.** Give up the idea of an external and singular evil, and the "in and out" test is very hard to apply. **We are extraordinarily dependent on the victim/victimizer, good guys/bad guys model. I am not sure that any very forceful intervention is politically possible without it.** One of the reasons for the weakness of the United Nations in Bosnia has been that many of its representatives on the ground do not believe that the model fits the situation they have to confront. They are not quite apologists for the Serbs, who have (rightly) been condemned in many United Nations resolutions, but they do not regard the Serbs as wholly "bad guys" or as the only "bad guys" in the former Yugoslavia. And that has made it difficult for them to justify the measures that would be necessary to stop the killing and the ethnic cleansing. Imagine that they took those measures, as (in my view) they should have done: wouldn't they also have been required to take collateral measures against the Croats and Bosnian Moslems? In cases like this one, the politics of rescue is certain to be complex and messy.

Human beings, by nature, use shortcuts to process information. We understand conflict most easily as a contest between good and evil, with the "good" side being blamelessly accosted by the "evil" side which acts without even the barest respect for human dignity. Most conflicts in which humanitarian intervention would be desirable are a great deal more complex than that standard model for a number of reasons:

1. Both sides may be guilty of unspeakable wrong, including mass killing and historical oppression. Although it may seem a cynical view, consider that it's exceedingly rare (although not impossible) for human beings to do things with absolutely no good reason. Consider: when was the last time you did something that you knew was unforgivably wrong with no rationale other than you wanted to? People have complicated motivations which may or may not objectively justify their acts but certainly may provide some mitigating or exculpatory information. To intervene without this knowledge is to condemn the victims among the victimizers and excuse the victimizers among the victims.
2. Intervention focuses exclusively on current conflict, with little regard for the conditions that created it. If a conflict arises out of a serious class imbalance, for example, the intervening force may staunch the killing but do nothing to restructure a society built on an inherently unstable foundation that will continue to breed conflict. Problems may simply re-arise even after the intervention concludes.



3. Interventionist means don't justify the ends.

The indeterminacy principle discussed above has a number of undesirable consequences. Benjamin Valentino explains,

Benjamin A. **Valentino, 2011** ["The True Costs of Humanitarian Intervention." Foreign Affairs 90, no. 6: 60. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).]

PROPOSERS OF such interventions usually make their case in terms of the United States' moral responsibilities. Yet perhaps the most important costs incurred by military interventions have been moral ones. On the ground, the ethical clarity that advocates of human rights have associated with such actions--saving innocent lives--has almost always been blurred by a much more complicated reality. To begin with, aiding defenseless civilians has usually meant empowering armed factions claiming to represent these victims, groups that are frequently responsible for major human rights abuses of their own. Although advocates of humanitarian intervention in the 1990s frequently compared the atrocities of that period to the Holocaust, the moral calculus of intervening in these conflicts was inevitably more problematic. The Tutsi victims of Hutu génocidaires in Rwanda and the Bosnian Muslim and Kosovar Albanian victims of Serbian paramilitaries in the former Yugoslavia were just as innocent as the Jewish victims of the Nazis during World War II. But the choice to aid these groups also entailed supporting the less than upstanding armed factions on their side. In Bosnia, for example, the United States eventually backed Croatian and Bosnian Muslim forces in an effort to block further aggression by Serbian President Slobodan Milosevic. These forces were far less brutal than the Serbian forces, but they were nevertheless implicated in a number of large-scale atrocities. In August 1995, for example, Croatian forces drove more than 100,000 Serbs in the Krajina region of Croatia from their homes, killing hundreds of civilians in what The New York Times described as "the largest single 'ethnic cleansing' of the war." It was later revealed that the U.S. State Department had allowed private U.S. military consultants to train the Croatian army in preparation for the offensive. In April of this year, two Croatian military leaders in charge of the campaign were convicted of crimes against humanity at The Hague.

A clear-eyed look at interventionist missions reveals that they almost always involve supporting one warring faction over another. Even in a lopsided conflict, there are aggressors on both sides. For Valentino, it is morally unacceptable to judge that atrocities committed by one group are justifiable and revolutionary but that atrocities committed by another group are entirely evil. Intervention forces this choice and, in effect, unavoidably calculates the inevitable civilian casualties are "worth" some higher good. He argues that this is dehumanizing and often causes conflicts to escalate out of control. He continues,

Benjamin A. **Valentino, 2011** ["The True Costs of Humanitarian Intervention." Foreign Affairs 90, no. 6: 60. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).]

Another set of moral costs stems not from the unsavory behavior of the groups being protected but from the unavoidable consequences of military intervention. Even if the ends of such actions could be unambiguously humanitarian, the means never are. Using force to save lives usually involves taking lives, including innocent ones. The most advanced precision-guided weapons still have not eliminated collateral damage altogether. Many Americans remember the 18 U.S. soldiers who died in Somalia in 1993 in the "Black Hawk down" incident. Far fewer know that U.S. and UN troops killed at least 500 Somalis on that day and as many as 1,500 during the rest of the mission--more than half of them women and children. In Kosovo, in addition to between 700 and several thousand Serbian military deaths, Human Rights Watch estimates that NATO air strikes killed more than 500 civilians. NATO pilots, ordered to fly above 10,000 feet to limit their own losses, found it difficult to distinguish between friend and foe on the ground. Sixteen civilians were also killed when NATO bombed a Serbian television station that it accused of spreading pro-government propaganda. These and other incidents led Human Rights Watch to



conclude that NATO had violated international humanitarian law in its conduct of the war. Amnesty International accused NATO of war crimes.

In sum, for Valentino, the question is never about the sanctity of life when choosing to involve outside nations in a conflict. The more productive moral question is why it would be more moral to have different innocent people die at the hands of different soldiers. For Valentino, it's not more productive but rather an arrogant and callous calculation to make.

4. Intervention creates incentive for worse atrocities by violent groups.

Many affirmative authors argue about the role of incentives in international intervention. They argue that interventions bolster deterrence against committing evil acts because those who might think to commit them will be too afraid of international retribution. Valentino argues that the reverse might be true:

Benjamin A. **Valentino, 2011** ["The True Costs of Humanitarian Intervention." Foreign Affairs 90, no. 6: 60. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).] Although military interventions are calculated to increase the costs of human rights abuses for those who commit them, perhaps interventions' most perverse consequence has been the way they have sometimes actually done the opposite. If perpetrators simply blame the victims for the setbacks and suffering inflicted by the intervention, **the incentives to retaliate against victim groups**, and possibly even popular support for such retaliation, may rise. Foreign military interventions can change victims from being viewed as a nuisance into being seen as powerful and traitorous enemies, potentially capable of exacting revenge, seizing power, or breaking away from the state. **Under these conditions, even moderates are more likely to support harsh measures** to meet such threats. And with most humanitarian missions relying on airpower to avoid casualties, **potential victims have little protection from retaliation.** In Kosovo, for example, the NATO bombing campaign hardened Serbian opinion against the Kosovar Albanians and rallied public support behind Milosevic, at least initially. Many Serbs donned T-shirts with a bull's-eye and attended anti-NATO rock concerts to express their solidarity against the West and for Milosevic's regime. One Serb told a reporter, "When Milosevic thought he could do whatever he wanted with us, I was against him. Now I am against NATO because they are strong and we are weak." Still worse, **the bombing may have actually provoked a major upsurge in the violence, or at least given Milosevic the excuse he needed to implement a long-held plan to ethnically cleanse the region.** Either way, when Serbian attacks on Kosovars escalated, NATO planes were flying too high and too fast to protect civilians on the ground. **The prospect of foreign military intervention also may encourage victims to rise up--a perilous course of action if the intervening forces are not equipped to protect them or if the intervention arrives too late or not at all. Perhaps the most clear-cut example of this perverse dynamic occurred in the aftermath of the Persian Gulf War. During the war, Bush said the Iraqis should "take matters into their own hands and force Saddam Hussein, the dictator, to step aside."** Many Iraqi Kurds and Shiites responded to this call, believing that **the United States would send military forces to assist them** or at least protect them from retaliation by Saddam. **It was not to be. Wishing to avoid a quagmire, Bush decided to end the war just 100 hours after the ground invasion had begun. Saddam responded to the domestic uprisings with extreme brutality, killing perhaps 20,000 Kurds and 30,000-60,000 Shiites, many of them civilians.**

The central theory here is that, without outside intervention, certain inevitable internal constraints may cause conflicts to burn out on their own over time. In these cases, humanitarian intervention often



disrupts these incentives and creates new, perverse incentives for groups to keep fighting or to become even more violent. The following have all been observed:

1. Aggressors blame victims for response. Those committing human rights abuses may be contained by conscience or lack of widespread support for their crimes. Post-intervention, however, life gets much worse for everyone in a nation, even those who had previously been safe. Instead of looking at their own actions and stopping them, aggressors are far more likely to blame the victim for the response. This ramps up violence because it:
2. Makes victims into traitors or worse. When sovereignty is breached, it's likely that many factions within the country will have a strong sense of some kind of betrayal by those who sought help in overthrowing the government. Traitors are often not treated very kindly by human rights abusers and this label may prove instrumental in killing those that would have otherwise been considered innocent.
3. Recruits bystanders to active participation in conflict. As in most conflicts, there are combatants and then there are those who choose not to get involved. The fewer involved the better and sooner the conflict will end. Let's say, however, that an ethnic conflict happens in a hypothetical country. While some on either side feel strongly enough to join the fighting, many people will prefer to stay out of it to whatever degree they can in order to protect their families or simply because they do not agree with the violence. If intervening forces accidentally begin to involve those bystanders in conflict via stray fire, etc. they may have an incentive to join the fight even though they never did before.
4. May inspire victims to dangerous decisions. Interventions are notoriously difficult, mostly because it's hard to say when a conflict has officially "ended." Stay too long and the people of a nation may turn against the intervening force because they've become occupiers (not to mention that interventions are politically unpopular at home in the intervening state). Stay not long enough and risk making a conflict worse. In some instances, the promise of protection makes victims take aggressive stances because they're certain that the intervening force will "have their backs." If the force has drawn down or left, however, that won't happen and the conflict will escalate, with many more killed.

5. Intervention may undermine the fundamental national interest of the intervening nation.

Up until now we've concentrated on the consequences of intervention for the state and individuals on the receiving end of a military action. Although those arguments are persuasive, they don't tell the whole story. There are also numerous potential consequences for the interveners themselves that may make intervention unjustified. For example, it may endanger the safety of the intervening nation:

Benjamin A. **Valentino, 2011** ["The True Costs of Humanitarian Intervention." *Foreign Affairs* 90, no. 6: 60. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).]

Another set of costs associated with humanitarian interventions are political. The United States' humanitarian interventions have won the country few new friends and worsened its relations with several powerful nations. The United States' long-term security depends on good relations with China and Russia, perhaps more than any other countries, but U.S.-sponsored interventions have led to increasing distrust



between Washington and these nations. Both countries face serious secessionist threats and strongly opposed U.S. intervention in Bosnia and Kosovo out of fear of setting an unwelcome precedent. The accidental bombing of the Chinese embassy in Belgrade in 1999, which killed three Chinese citizens, resulted in major demonstrations outside the U.S. embassy in Beijing and an acute deterioration of relations between the two countries that lasted almost a year. Conflict with Russia over Kosovo continues to this day. The political strains have not been limited to relations with potential U.S. adversaries. Brazil and India, two of the United States' most important democratic allies in the developing world, also opposed the intervention in Kosovo and have refused to recognize its independence. More recently, both countries sided with China and Russia and condemned the intervention in Libya, arguing that NATO's actions significantly exceeded what the UN Security Council had authorized.

Interventions are often contentious internationally. It's rare, if not impossible, for all major nations to agree that intervention is necessary and to what extent. Major powers often have competing interests (resources, border, treaties) in other nations that may bring them into conflict. For example, China has oil interests in Sudan, where many international observers agree that there is an ongoing cycle of ethnic violence. China has historically opposed international intervention in Sudan because it could disrupt this flow of resources. If the U.S. were to disregard this, it's likely that it would bring the U.S. and China into conflict and everything would be much worse than when it started. Not only would the conflict potentially continue, but now two major powers would be at odds with one another and potentially miscalculate into a larger war.

Valentino thinks it is immoral and impractical to risk such large consequences. In addition,

6. Intervention violates the rights of those in the intervening nation.

On a related note, Dobos argues that intervention is potentially immoral on the grounds that those in intervening nations are denied information and choice:

DOBOS, NED. 2010. ["A State to Call Their Own: Insurrection, Intervention, and the Communal Integrity Thesis." *Journal Of Applied Philosophy* 27, no. 1: 26-38. Academic Search Complete, EBSCOhost (accessed March 6, 2013).]

Of course none of this should be taken to suggest that intervention is justified *all things considered* wherever rebellion is. Even where the means employed and the ends sought are similar, a foreign invasion can be expected to provoke stiffer resistance than a local uprising, augmenting its costs and potentially impeding its success. Thus inter-state war can fail to satisfy the prudential constraints (proportionality, likelihood of success) where intra-state war would fulfil them. Humanitarian intervention might also conflict with the domestic obligations of the state that prosecutes it, depending on how one conceives of the social contract that binds a government to its people. According to what Buchanan calls the 'discretionary association' view, citizens empower their government to act as an agent or trustee for the sole purpose of promoting their interests. We each submit to the authority of our government and relinquish a portion of our earnings in tax in return for this service. The contract says nothing about using public resources to render assistance to foreigners.⁵⁰ Therefore humanitarian intervention involves a state violating the fiduciary rights of its taxpayers. It might also be said to violate the rights of the military personnel deployed. Martin Cook describes the 'implicit moral contract' between a state and its armed forces as follows: The military contract obliges military personnel to run grave risks and to engage in morally and personally difficult actions. They do these things on the basis of the implicit promise that the circumstances under which they must act are grounded in political leadership's good faith judgment that the defense of sovereignty



and integrity of the nation (or, by careful extension, the nation's vital interests) require their action.⁵¹ The crucial point here is that **soldiers implicitly agree to fight and die only for their country and its vital interests**. A government that uses military force to defend human rights beyond its borders thus tramples on the rights of its own armed servicemen and women in the process.

According to Dobos, intervention is not morally justified for two reasons:

1. Interventions are costly, and the costs are borne by individuals in intervening nations. Using the money of citizens in such a way as does not directly promote their interests but rather promotes the interests of foreign citizens is a violation of the social contract into which they enter when they pay their taxes. Their money should finance their benefit and the direct benefit of their nation; nothing more. This is particularly true given the complexity of humanitarian intervention (discussed above). Reasonable people may disagree about the necessity and tactics of an intervention and therefore should not be compelled to fund it against their will.

2. Unlike Walzer, who argues that the military's purpose is to enter dangerous situations of any kind, Dobos argues that this is only true up to a point. By joining or being conscripted to military service, men and women agree only to protect the interests of their nation. Compelling them to protect others whose militaries have ostensibly failed them in some important way is a violation of their agreement for service and represents an immoral and overly casual understanding of what military service does and should mean.

7. Other humanitarian acts are more effective/moral than intervention.

Finally, when you're negative you should feel free to dispute the notion that deciding intervention is never justified means that we should become bystanders to grievous human rights abuses. Indeed, many would argue that other methods of assistance that do not include intervention are preferable because they address suffering with none of the associated moral baggage. For example, Valentino offers an alternative approach:

Benjamin A. **Valentino, 2011** ["The True Costs of Humanitarian Intervention." Foreign Affairs 90, no. 6: 60. MasterFILE Premier, EBSCOhost (accessed February 28, 2013).] AS FORCES fighting Libyan leader Muammar al-Qaddafi consolidated control of Tripoli in the last days of August 2011, many pundits began speaking of a victory not just for the rebels but also for the idea of humanitarian intervention. In Libya, advocates of intervention argued, U.S. President Barack Obama had found the formula for success: broad regional and international support, genuine burden sharing with allies, and a capable local fighting force to wage the war on the ground. Some even heralded the intervention as a sign of an emerging Obama doctrine. It is clearly too soon for this kind of triumphalism, since the final balance of the Libyan intervention has yet to be tallied. The country could still fall into civil war, and the new Libyan government could turn out to be little better than the last. As of this writing, troubling signs of infighting among the rebel ranks had begun to emerge, along with credible reports of serious human rights abuses by rebel forces. Yet even if the intervention does ultimately give birth to a stable and prosperous democracy, this outcome will not prove that intervention was the right choice in Libya or that similar interventions should be attempted elsewhere. To establish that requires comparing the full costs of intervention with its benefits and asking whether those benefits could be achieved at a lower cost. The evidence from the last two decades is not promising on this score. Although humanitarian intervention has undoubtedly saved lives, Americans have seriously underappreciated the moral, political, and economic price involved. This does not mean that the United States should stop trying to promote its values



abroad, even when its national security is not at risk. It just needs a different strategy. Washington should replace its focus on military intervention with a humanitarian foreign policy centered on saving lives by funding public health programs in the developing world, aiding victims of natural disasters, and assisting refugees fleeing violent conflict. Abandoning humanitarian intervention in most cases would not mean leaving victims of genocide and repression to their fate. Indeed, such a strategy could actually save far more people, at a far lower price.

Counterplanning in this instance, if it's accepted on your circuit, is a great way to dispute the affirmative's moral high ground.

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!