

# **AKTUELLE PROBLEME DER POLITISCHEN PHILOSOPHIE**

**Gerechtigkeit und Wohlfahrt in Gesellschaft  
und Weltordnung**

Beiträge des 19. Internationalen Wittgenstein Symposiums

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PETER KOLLER und KLAUS PUHL

# **CURRENT ISSUES IN POLITICAL PHILOSOPHY**

**Justice and Welfare in Society and World Order**

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Editors

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we are human beings. Managing plurality is not certainly guaranteed as if it were the monetary union. The philosopher is not the great leader to reach unity, either. When philosophers speak in the name of reason there is usually some kind of totalitarianism. Gadamer and Wittgenstein tell us to be offstage: preparing, mending and sewing so as to keep the play going. It is a more modest watchtower than central box: but this lack of comfort make philosophers less suspect of being always suspecting and their compromise does not let them be too ironic with those on stage.

## Notes

- 1 R. Bernstein, A Letter by Professor Hans-Georg Gadamer, in *Beyond Objectivism and Relativism: Science, Hermeneutics and Praxis*, Basil Blackwell, Oxford 1983, 264.
- 2 P.C. Smith, *Hermeneutics and Human Finitude. A Theory of Ethical Understanding*, Fordham University Press, New York 1991, 203-28.
- 3 M. Forster, *Gadamer and Practical Philosophy: The Hermeneutics of Moral Confidence*, Scholar Press, Atlanta 1991, 175.
- 4 J. W. Danford, *Wittgenstein and Political Philosophy: A Reexamination of the Foundations of Social Science*, The University of Chicago Press, Chicago 1978, 203.

## Filimon Peonidis

### Does Just War Theory Justify Pro-democratic Intervention?

In this paper I maintain that under strictly specified conditions a democratic state is morally justified to be directly involved in military operations in order to restore or defend democratic rule in foreign countries. In particular, relying on a recent re-statement of that just war doctrine<sup>1</sup> I will outline an account of pro-democratic intervention that is more or less consistent with its basic tenets. Just war theorists hold that it is permissible to start a war when the following conditions obtain:

a. *Just Cause*. "War is permissible only to confront 'a real and present danger', i.e. to protect innocent life, to preserve conditions necessary for decent human existence and to secure basic human rights." This includes more than waging war to defend the territorial integrity of one's country against an aggressor; it allows the use of force to protect important endangered moral values, even if one's compatriots are not facing an immediate threat. I will argue that the defense of democratic ideals and the promotion of world peace, viewed as overarching moral values, constitute *prima facie* reasons for pro-democratic intervention. The first argument draws on the view that if we are concerned about democracy in our country, we must be concerned about democracy elsewhere. In particular:

1. Democratic values, i.e. those necessary for collective self-government, are universal. This is taken to mean that each citizen committed to them must recognize their equal significance to every other citizen committed to them, irrespective of nationality, ethnic origin, race, sex or religion.
2. Citizens of state A are morally justified to use force in the last resort to defend democratic values in their own country from a real and imminent threat.
3. Therefore, the democratic citizens of state A are under certain conditions morally justified in using the state apparatus to forcibly intervene in the domestic affairs of state B in order to aid the latter's citizenry in its struggle for democracy.

The two premises deserve some comment. Democratic theorists in the past were absolutely convinced that democracy could not flourish in large states or



that it was suitable only for landowners or the educated. However, the enormous success of representative institutions and the gradual recognition of universal suffrage as an indispensable part of any democratic polity deprived these ideas of any cogency they might have had. Another factor that contributed to the universalization of the democratic ideal is the decline of those supremacist or racist theories holding that certain "backward" nations are *in principle* incapable of being governed democratically. There is nothing in contemporary democratic theory that prevents us from asserting that every sane adult throughout the globe has a right to a democratic form of government.

The historical antecedents of the second premise can be traced back to the sixteenth century when political philosophers proclaimed the right of the people to resist and overthrow rulers who became tyrannical. A century later Locke justified rebellion against any government that acts unlawfully against the "lives, liberties and fortunes" of its subjects thus betraying the trust bestowed upon it. In democratic theory this idea took a different form. Citizens are required to use force in the last resort, that is only if all peaceful means have been exhausted or are not available, against anyone attempting to violently abolish democratic rule. Such a move constitutes an affront to popular sovereignty, since it defies the will of the people to be the ultimate source of political authority and to take part as equal partners in peaceful collective decision making procedures.

The second argument for pro-democratic intervention focuses on the link between democratization and the establishment of world peace. In particular:

1. Empirical evidence shows that stable democracies almost never fight each other.<sup>2</sup>
2. Therefore, it is likely that democratization, once completed, will improve the prospects for world peace.
- 2a. Therefore, it is likely that successful pro-democratic intervention in foreign countries will in the long run improve the prospects for world peace.

It should be noted that this argument is less forceful than the previous one. In inductive arguments of this sort the conclusion never follows from the premises with logical necessity, so the likelihood of a future armed conflict between two democratic states cannot be discounted. However, an explanation of this phenomenon that draws on the sense of solidarity characterizing self-governed people and on their commonly shared nonviolent practices strengthens the aforementioned connection, and thus motivates us to intensify our efforts for a democratic world order.

b. *Competent Authority*. "[W]ar must be declared by those with responsibility

for public order, not by private groups or individuals." A decision to carry out an intervention in a foreign state for the sake of democracy can be nothing but the outcome of democratic decision-making procedures. The government or the parliament must have some kind of authorization for the engagement of military forces in a foreign armed conflict of any kind. The procedures through which this authorization can be given vary according to the constitution in force, but in any case the overwhelming majority of the citizens shouldn't be dragged into a war to which it has not given its informed consent. Moreover, the troops to be sent must be formed on a voluntary basis. Although the first argument for pro-democratic intervention justifies a *right* to resort to force to defend democracy in another country, it would be too much to claim that everyone has a *duty* to suffer serious harms for the same cause. Demanding that someone should risk her life fighting for a polity in which she wouldn't be a citizen is like demanding that this person should risk her life to save a total stranger for the plight of which she is not responsible either by act or omission. To become directly involved in a war for the sake of democracy abroad is a praiseworthy act, but it is beyond the call of duty.<sup>3</sup>

c. *Comparative Justice*. "Every party to a conflict should acknowledge the limits of its 'just cause' and the consequent requirement to use *only* limited means in pursuit of its objectives." This condition provides us with a good opportunity to dispel the air of ambiguity surrounding the term pro-democratic intervention. There are a variety of issues requiring clarification. First, one can wonder about what kind of democracy to strive for. Although the authorities in the intervening state might be motivated by some abstract democratic ideals, the form of government they must seek to establish or protect is a polyarchic one. Following Dahl<sup>4</sup> I understand by polyarchy a feasible form of government that has stood with relative success the test of time where: governmental officials are chosen for definite periods of time in free and fair elections; there is universal suffrage, citizens have the right to run for office, to form political associations and to express their views free from governmental interference, there is a commitment to respecting and enforcing basic human rights, there is separation of powers, and all these are expressed in the form of legally binding principles and procedures. If follows from the above description that polyarchies are compatible with a variety of economic systems ranging from the more capitalist to the more socialist. Within this frame, a desire to impose a non-democratic ideal or to protect an economic system could never constitute a just cause for starting a war.

Second, it would be a mistake to intervene in another country to aid demo-

cratic citizens against their own will. Such an action may produce the opposite effects, since the democratic side can turn against the intervening force. Hence, any intervention must be conducted at the citizens' request. But this is a vague requirement. Is a state entitled to use force against another state merely because it has been invited by a tiny democratic group? To deal with such question we have to distinguish between three types of pro-democratic intervention: the *installant*, the *restorative* and the *defensive*. In the first case the intervening state seeks to establish democracy in a state with no previous democratic experience. A state where there are no effectively organized opposition parties, tradition or religion is regarded as the only legitimate source of authority, conceptions of rights and liberties are absent from its political culture and most citizens seem to be content with the existing form of government. Here intervention is bound to lead to disaster, no matter how intensely it is desired by a small democratic group. It is not only that the majority of the people would forcibly resist the invasion, diminishing its chances of success; there are normative reasons which run counter to such a decision. No one is entitled to turn an authoritarian political culture into a democratic one at gunpoint. People have to be convinced about the superiority of democratic institutions and they must readily agree to uphold them, even if nothing prevents them from doing otherwise. It appears that an installant intervention is morally unfounded.

There are, however, two other types of pro-democratic intervention which are not affected by the above objections. A restorative intervention is carried out in order to re-establish democratic rule when it has been violently abolished by an authoritarian faction or by democratically elected officials who have unlawfully suspended the constitution. It is also conducted at the request of the now outlawed political parties who do not possess the strength required to oust the autocratic government from power and to terminate oppression. The same holds for the defensive intervention where a legitimate democratic government asks for foreign help to deal with an armed insurgency in its territory.

d. *Right Intention*. "[W]ar can be legitimately intended only for the reasons set forth above as a just cause". The only permissible reasons for pro-democratic intervention are those elaborated upon in the previous two sections. It shouldn't be used as a pretext for achieving economic or territorial gains, for settling old scores, for diffusing internal opposition, for acquiring strategic advantages, or for proving one's military or cultural superiority.

e. *Last Resort*. "For resort to war to be justified, all peaceful alternatives must have been exhausted." By that is meant everything apart from deploying troops or being directly involved in violent subversive activities (assassinations, sabo-

tage) against autocratic governments or anti-democratic insurgents. The list in our case includes a standing commitment by democratic states to the worldwide entrenchment of democracy, statements by politicians, diplomatic action, financing of democratic political movements, election monitoring, promoting civic education abroad, imposing economic sanctions against an authoritarian government, providing military and economic aid to a democratic government to suppress an armed insurgency and so forth. Still, it should not escape the authorities' attention that all these activities should be overt and aim exclusively at the restoration or the strengthening of democratic rule.

f. *Probability of Success*. The purpose of this condition "is to prevent irrational resort to force or hopeless resistance when the outcome of either will clearly be disproportionate or futile." When is a pro-democratic intervention likely to succeed and when is it futile? A comparison with a defensive war will help. In a defensive war against an aggressor a certain level of violence is tolerable. The objective of the attacked side is to protect its territory, to bring things back to the *status quo ante* and to restore peace. Its primary target is not to strike an agreement with the enemy or to bring about a state of affairs to which the latter would voluntarily consent, but to redress an injustice. Although in the just war theory tradition no state is given a *carte blanche* to use any means available to overcome an attacker, it is evident that reconciliation with the enemy - which in the long-run is desirable or even necessary - cannot be the decisive reason for its resorting to force. On the contrary, the objectives of a pro-democratic intervention differ significantly. Here, the only reason for using or for threatening to use force is to secure the conditions for stable democratic rule. This among others requires a minimum consensus of the parties involved and, as empirical research<sup>5</sup> has shown, a spirit of moderation and compromise, and a great deal of mutual concessions, negotiations and tradeoffs are essential to shift successfully from authoritarianism to democracy. Thus, the possibility of being driven to use excessive violence, the increase of casualties, the creation of new political, social and ethnic cleavages, the outburst of a prolonged civil war and the engagement of other states are some of the factors that do not only impose moral constraints upon any action taken, but make the whole operation less likely to be met with success. Considerations of this kind should lead democratic governments either to cancel the whole operation or, in case it has started, to withdraw their forces, once it becomes evident that the chances for restoring or protecting democracy are minimal.

g. *Proportionality*. "In terms of the *jus ad bellum* criteria, proportionality means that the damage to be inflicted and the costs incurred by war must be pro-



portionate to the good expected by taking up arms." This provision, which should be seen as corollary to the previous one has the following implication for pro-democratic intervention. The planners of the intervention might realize that the only way to prevail in the struggle for democracy is by causing severe losses among noncombatant supporters of the authoritarian side, or by using forbidden weapons, or by violating one of the remaining rules constituting *jus in bello*. In this case the intervention must never take place. Apart from the morally abhorrent nature of these violations, there is one additional reason underpinning the above decision: the defeated side will never see the winners as equal partners in a democratic polity, and it will wait for the right moment to achieve revenge.<sup>6</sup>

Given the poor record of Western states in protecting democracy, there are not many states in the world that would be ready to observe the prescriptions set by the above account. However, the recent impressive expansion and recognition of democratic ideals throughout the world should make us start seeing pro-democratic intervention in a more favorable spirit in the hope that in the future we will create the relevant international mechanisms to secure and monitor its proper implementation.<sup>7</sup>

## Notes

- 1 I follow the version stated in the US Catholic Bishops Pastoral Letter, "The Challenge of Peace: God's Promise and Our Response" reprinted in *Just War Theory*, Jean Beilke Elshain, ed. (New York: New York University Press, 1992), 98-101.
- 2 Here I follow Bruce Russell, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton: Princeton University Press, 1993).
- 3 However, it follows from the two arguments developed in the preceding section that all citizens do have a duty to promote democracy abroad with less dangerous and costly means.
- 4 For a recent account see *Democracy and its Critics* (New Haven: Yale University Press, 1989), 221 and passim.
- 5 See Samuel P. Huntington's study *The Third Wave: Democratization in the Late Twentieth Century* (Norman and London: University of Oklahoma Press, 1991).
- 6 The criterion of proportionality applies with equal force to the use of less violent, but still coercive, means like some of those mentioned in the fifth condition.
- 7 There is nothing in the above account preventing intervention by more than one state or by an international organization on condition that there is strict compliance with the proposed criteria. In writing this essay I have benefited by the comments of Wayne Norman, Thanassis Raptopoulos and Stelios Virvidakis.

Alessandro Pinzani

## Wenn der Löwe sprechen könnte, hätte er Menschenrechte? Tierrechte, Gattungssolidarität und die Rechte der Behinderten

### I

Richard Rorty hat neulich im Anschluß auf Edoardo Rabossi behauptet, daß die Idee einer Begründung der Menschenrechte veraltet und bedeutungslos geworden sei, da wir in einer Menschengesellschaft leben<sup>1</sup>. Wir - d.h.: die »Erben der Aufklärung«, die Mitglieder der westlichen liberalen Gesellschaften. Für uns ist der Begriff der Menschenrechte zu etwas Selbstverständlichem geworden, und ebenso selbstverständlich ist deren Bewahrung. Die »anderen«, d.h. die Mitglieder anderer Kulturen, für welche die Idee der Menschenrechte noch bedeutungslos ist, müssen Rorty zufolge nur noch zur Menschengesellschaft »erzogen« werden. Es gibt aber keine Argumente oder keine philosophischen Überlegungen, die dabei beihilflich sein können. Den großen moralischen Werken von Kant stellt Rorty *Onkel Toms Hütte* entgegen, in der Überzeugung, daß letzteres viel mehr zum Fall von Vorurteilen und Diskrimination den Schwarzen gegenüber beigetragen habe als die *Kritik der praktischen Vernunft*. Was wir brauchen sind also Werke die zu unseren Gefühlen und nicht zu unserer Vernunft sprechen. Kurz: Wir brauchen eine Erziehung zur Solidarität.

Man könne Marx paraphrasieren und sagen: Die Philosophen haben bisher die Menschenrechte begründet; jetzt geht es darum, sie durchzusetzen. Norberto Bobbio hat dies weniger pathetisch ausgedrückt: »Das Grundproblem in bezug auf die Menschenrechte ist heute nicht ihre Begründung, sondern deren Schutz. Sie stellen kein philosophisches sondern ein politisches Problem dar«<sup>2</sup>.

Die Frage ist: Können wir tatsächlich Menschen, die anderen Kulturen als der Menschengesellschaft angehören, dazu bewegen, sich diese Kultur anzueignen, ohne sie dabei mit Argumenten zu überzeugen? Hat *Onkel Toms Hütte* nur die Gefühle seiner Leser angesprochen? Waren diese nicht irgendwie vorbereitet, die Botschaft dieses Buchs zu verstehen? Und waren es nicht die schon seit langem verbreiteten Argumente gegen die Sklaverei, die den Boden vorbereitet hatten, und die diese Leser auf das Problem überhaupt aufmerksam gemacht hatten?