

Intervention and Collective Self-Determination

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Intervention

Intervention by one state in the affairs of another is normally objectionable for a variety of reasons, many of them moral. Most actual instances of military intervention, for example, are motivated entirely by the interests of the intervening state and tend to be unjust, brutal, and exploitative. Even when there is a good moral reason—or just cause—for intervention, and even when the intervention is motivated, at least in part, by a desire to achieve the just cause, the intervening state is almost certain to exploit its advantage in ways that are harmful to the state that is the target of the intervention. Typically, moreover, military intervention, even in pursuit of a just cause, will fail to satisfy certain requirements of the traditional theory of the just war. It will fail to satisfy the requirement of necessity if there is an alternative means of achieving the just cause that is less destructive but has a comparable probability of success. And it will fail to satisfy the requirement of proportionality if the probable harm it would cause exceeds the probable good involved in achieving the just cause, taking due account of such considerations as the innocence or non-innocence of those benefited or harmed.¹ Because of the threat of counter-intervention, escalation, and wider war, military intervention often involves disproportionate risks or costs.

Intervention may, of course, be objectionable for nonmoral reasons as well. Even if there is a just cause that can be achieved only by military intervention, and even if the expected costs of intervention would be proportionate, those costs may be prohibitive for any single state. Political realists, indeed, hold that *any* costs to the intervening state are prohibitive unless they are outweighed by greater benefits to that same state.

Despite the solid consensus that these considerations establish a formidable presumption against the permissibility of intervention, there has been an

¹ For a more precise articulation of the requirements of necessity and proportionality, see Jeff McMahan and Robert McKim, "The Just War and the Gulf War," *Canadian Journal of Philosophy* 23 (December 1993), 506–18, 523–30.

increasing willingness in recent years to recognize that humanitarian intervention—intervention intended to protect some group from serious mistreatment perpetrated or sanctioned by the government of its own state—can in principle be legitimate. The various objections just cited have thus come increasingly into conflict with a perceived imperative to protect innocent individuals in other countries. The salience of this conflict has led some observers to suppose that the traditional prohibition of intervention has always been grounded in considerations of international stability and prudence. J. Bryan Hehir, for example, claims that “the ethical calculus supporting the rule [of nonintervention] involves a clear consequentialist choice to give priority to order over justice in international relations.”²

This, however, ignores the role of one historically important objection to intervention—namely, that it violates the right to self-determination of the citizens of the state that is the target of the intervention. Intervention—whether military or nonmilitary—has been thought to involve an imposition of an external will on those subject to it, a usurping of the people’s right to shape and direct their own collective life. And because this is unjust, the conflict between the requirement of nonintervention and the equally insistent imperative to protect the innocent may be understood not just as a conflict between order and justice but also as a conflict between competing demands of justice.

This is to describe the conflict in ethical terms. Those more concerned with the political and legal dimensions of intervention may wish to phrase the problem in terms of the notion of sovereignty. They will say that the further objection to intervention is that it is inconsistent with respect for state sovereignty, which is one of the essential foundations of the current world order. Since my concern in this paper is principally with the ethical dimensions of intervention, I will not focus on considerations of sovereignty. But my claims will have implications for political and legal concerns. For I assume that the importance of state sovereignty is primarily that it both expresses and protects the self-determination of peoples. An understanding of the relation between intervention and self-determination therefore provides most of what we need to know about the ways in which intervention ought to be constrained by a respect for sovereignty.

To what extent is intervention, and particularly military intervention, ruled out by a requirement of respect for self-determination? In this paper I will challenge the common assumption that respect for self-determination requires an almost

² J. Bryan Hehir, “Intervention: From Theories to Cases,” *Ethics & International Affairs* 9 (1995), 4.

exceptionless doctrine of nonintervention. The scope of the ideal of self-determination is different from what many theorists have thought it to be.

It will help to avoid confusion if, before turning to substantive matters, I explain how I understand the notions of “intervention” and “self-determination.” Intervention is the use of coercion, compulsion, or manipulation by some external agent or agents in an effort to effect or to prevent changes in the policies or practices of a state. This understanding is more restrictive than one that sometimes appears in political discourse, according to which external *assistance* to a state that is intended to help the state defeat its internal opponents also counts as intervention. This broader notion is perfectly acceptable. But, since this paper explores the conflict between intervention and self-determination, where the latter is commonly supposed to be expressed through and protected by the state, it will sharpen the focus of the inquiry to use the more restrictive definition, which is also perhaps more common.

In an earlier paper, I claimed that intervention is coercive.³ This was a mistake, particularly if we distinguish between *coerced* behavior, which according to some theorists involves choice, and *compelled* behavior, which is entirely involuntary. (On this view, a parent coerces her child into staying in his room if she threatens to spank him for leaving it but compels him to stay if she locks him in.) Given this distinction, it is clear that the use of force to compel action or inaction—for example, through the destruction of physical materials necessary for the operation of certain institutions or the implementation of certain policies—can constitute intervention, although, on this analysis, it is not literally coercive. Similarly, covert manipulation may also constitute intervention even though it does not involve coercion—as, for example, when one state covertly bribes officials or plants its agents in positions that enable them to dictate the editorial policies of various mass media organs in another state. Broadening the scope of the definition to include compulsion and manipulation as well as coercion still, of course, leaves various problems, such as vagueness in the concepts of compulsion, coercion, and manipulation. (For example, are offers of foreign aid that depend on the prospective beneficiary’s meeting certain demands coercive?) But I will defer consideration of these problems for another occasion.

Two further points should, however, be noted here. One is that intervention appears to require certain intentions. An act, or series of acts, does not constitute

³ Jeff McMahan, “The Ethics of International Intervention,” in Kenneth Kipnis and Diana T. Meyers, eds., *Political Realism and International Morality: Ethics in the Nuclear Age* (Boulder: Westview Press, 1988), 75–101.

intervention simply by virtue of causing or preventing changes in the policies or practices of another state. To count as intervention, the act or series of acts must be *intended* to cause or prevent certain changes. In requiring that an act must have certain intended effects in order to count as an instance of intervention, the concept of intervention is relevantly like the concept of euthanasia. For an act to count as euthanasia it is not sufficient that it benefits the individual whose death it causes. Rather, the death must be intended to benefit the individual. Thus a malicious act of killing that unexpectedly benefits the person killed is not an instance of euthanasia. There is, however, an important difference between the concepts of intervention and euthanasia. In order for an act to count as euthanasia, it must succeed both in bringing about an individual's death and in thereby benefiting that individual. If the intended beneficiary fails to die or is in fact harmed by dying, then the act is not euthanasia, though it may count as attempted euthanasia. In the case of intervention, by contrast, the intended effects need not be realized. An unsuccessful intervention is still an intervention.

The other qualification to the definition of intervention is that action that is intended to thwart aggression by one state against another appears not to count as intervention, at least in ordinary language, even if it is intended to compel, coerce, or manipulate the target state. Suppose, for example, that state A unjustly attacks state B. Suppose further that B then resorts to compulsion, coercion, or manipulation in order to end or repel A's aggression or that a third party, C, does so. Neither response to A's aggression seems to count as intervention against A. Self- and other-defense fall outside the category of intervention. Thus military intervention is by definition aggressive. The question of whether or not there are forms of military intervention that are morally justifiable is therefore equivalent to the question of whether or not there are just causes for war other than self- and other-defense.

Self-Determination

The notion of collective self-determination is as elusive as the notion of intervention and is variously understood in the literature.⁴ It is sometimes assumed that for a collection of people to be self-determining is for them to have their own state. On this view, the right of collective self-determination is the right to

⁴ I employ the adjective "collective" to distinguish the relevant notion from individual self-determination or autonomy. I avoid the more common term "national self-determination," which might be thought to imply that the ideal of collective self-determination properly applies only to nations.

independent statehood.⁵ This, however, does not seem to be all there is to self-determination. A collection of people may have its own state and yet be under foreign domination. During the Cold War, for example, the Czechs and the Poles each had their own state—there is no denying that Czechoslovakia and Poland existed throughout this period—yet they were not self-determining in any robust sense of the term, since they were effectively controlled and dominated by the Soviet Union.

A more plausible view that avoids this objection is that a group of people is self-determining if it has a state that is *effectively* sovereign and politically independent. According to this view, the right of a people to self-determination may be violated by action that denies them a state or that compromises the de facto sovereignty or political independence of their existing state. There is, however, an obvious way of reading this proposed understanding that is highly misleading. For it may suggest that all the citizens of any effectively sovereign and independent state are ipso facto self-determining. In one important sense they have a sovereign and independent state: they are citizens of one. But mere citizenship in an independent state is not sufficient to guarantee that one is a member of a self-determining collective. For the state may operate effectively on behalf of, or as the agent or representative of, some subgroup of its citizens—the \emptyset s—rather than of the citizenry as a whole. When this is the case and some other subgroup—the Ω s—rightly feels that the state systematically subordinates its interests and claims to those of the \emptyset s, who control the organs of the state, the Ω s will not be self-determining. For the state is, in the sense that is relevant to self-determination, the state of the \emptyset s rather than of its citizenry. The existence and functioning of the state make the \emptyset s self-determining but not the Ω s. If the Ω s' pursuit of their collective aims and aspirations is thwarted, they may seek to secede, with "self-determination" as their rallying cry.

These considerations suggest a third proposal. A group of people is self-determining if it has an effectively sovereign and independent state that is the state of the group as a whole. What makes a state the state "of the \emptyset s" is a complicated matter. There is a weak sense in which a state is the state of the \emptyset s if it is controlled by—that is, if the government consists largely of—individuals who are identifiable as \emptyset s. This "rule by one's own kind" is, however, compatible with the possibility that the rulers are entirely corrupt and act with complete

⁵ See, for example, Stanley French and Andres Gutman, "The Principle of National Self-Determination," in Virginia Held, Sidney Morgenbesser, and Thomas Nagel, eds., *Philosophy, Morality, and International Affairs* (New York: Oxford University Press, 1974), 138–53.

disregard for the interests and concerns of others of their kind. Thus one might insist on a stronger criterion whereby a state is the state of the \emptyset s only if it represents or acts on behalf of the \emptyset s as a whole. Alternatively, and even more strongly, a state might count as the state of the \emptyset s only if all of the \emptyset s living within its territory are able to participate in the formulation and administration of its laws and policies.

These three variants of the last proposal all constitute acceptable notions of collective self-determination. They do not, however, capture all of the ways in which the notion of collective self-determination is legitimately used. For they all presuppose that there is an analytical link between self-determination and independent statehood; but there are common understandings of self-determination of which this is not the case. There were political communities that it seems reasonable to describe as self-determining long before there were such things as states. And even today, when the world's peoples and territories are divided into sovereign states, it is not incoherent to suppose that a political community could be self-determining even if its political character were not embodied in or expressed through the medium of a state. It is not, in short, a contradiction to suppose that there could be a politically organized community that was self-determining and yet was either stateless or incorporated within a state that was essentially the state of another group. Federal arrangements or schemes for regional autonomy seem capable of providing robust forms of self-determination.⁶

From the foregoing discussion we can distill three broad notions of collective self-determination. To be self-determining, a group must (1) have its own state (that is, the state must be the state of that group), (2) have effective political control over those areas of its collective life that are essential to the identity and flourishing of the group, or (3) be such that all of its members are able to participate in the governance of its political life and affairs.

We may refer to these three notions, or dimensions, of self-determination as "statehood," "internal control," and "democracy," respectively. Statehood alone is neither necessary nor sufficient for either internal control or democracy. As we have seen, a group can have statehood and yet be subject to external domination. And, though some have denied this, a group can exercise effective control over

⁶ See Allen Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder: Westview Press, 1991), 50. Daniel Philpott defines self-determination as "a legal arrangement which gives [a group] independent statehood or greater autonomy within a federal state." See his "In Defense of Self-Determination," *Ethics* 105 (January 1995), 353.

its own essential affairs without having a state of its own.⁷ Moreover, a state that is the state of some group can have any one of a number of nondemocratic forms of government, while a group that lacks its own state can nevertheless adopt democratic decision-making procedures for those areas of its life over which it exercises effective internal control.

It seems to me that the core notion of self-determination is the second—internal control. The importance of statehood is derivative: the achievement of independent statehood is in most cases the most effective means by which a group can ensure internal control. Of course, the importance of internal control is largely nominal if the indigenous regime is tyrannous, though in modern times despotic internal control has generally been thought to be preferable to even the most liberal and benign forms of foreign control. Thus the declaration of a committed opponent of the Duvalier dictatorship in *The Comedians*, Graham Greene's novel set in Haiti—"I'm not sure I wouldn't fight for Papa Doc if the Marines came. At least he's Haitian."—is entirely characteristic of post-colonial attitudes.⁸

Because self-determination is multi-dimensional, it is a matter of degree. A group that has a state of its own is at least minimally self-determining even if the state is effectively under foreign domination. That group would be self-determining to a higher degree if its state were effectively sovereign and independent (or, perhaps, if it enjoyed autonomous status within the independent state of another group). And, among those groups that have their own effectively sovereign states, those with democratic political systems are more self-determining than those governed by nondemocratic regimes. In short, full or maximal self-determination may require a combination of statehood, internal control, and democracy.

While it may be desirable for a group to be maximally self-determining, what the group has a *right* to may be something less. The right to self-determination, I believe, is primarily the right to internal control. If conditions are such that

⁷ Michael Walzer writes that "to give up the state is to give up any effective self-determination." What Walzer seems to mean here, however, is not that a community cannot be self-determining without a state of its own, but that other means of achieving self-determination require as a background condition that there be sovereign states. Walzer, *Spheres of Justice* (Oxford: Blackwell, 1983), 44.

⁸ Graham Greene, *The Comedians* (London: Penguin, 1976), 232. It is worth noting, however, that this sort of view is a relatively recent phenomenon. As Christopher Morris notes, "until this century the norm for most peoples, European included, was rule by foreigners.... Just and efficient rule by foreigners seemed preferable to most people to unjust or inefficient rule by one's own." See Morris, *An Essay on the Modern State* (Cambridge: Cambridge University Press, forthcoming, 1997), ch. 8.

independent statehood is indispensable for the requisite degree of internal control, then perhaps the right to internal control implies a right to independent statehood. If it does, the latter right will be defeasible—that is, it may be overridden by countervailing considerations. Moreover, the right to internal control does not obviously imply a right to democracy, except to the extent that it implies an obligation among external agents not to impose a different form of government if internal control in fact results in democracy.

Not only is there not always a right to those forms of self-determination that would be most desirable, but self-determination itself is not always desirable. There are some groups for whom self-determination is in no way desirable: for example, the group of all left-handed people, the group of people who patronized the local record store yesterday, or the group consisting of both the citizens of Sweden and the citizens of Japan. Self-determination is an ideal that applies only to groups that are unified in certain ways. In order to fall within the scope of the ideal of self-determination, a group of people must together constitute a unit, a collective “self.” There are various forms of collective unity capable of establishing a self of the relevant sort, though some of these are more important than others. And the degree to which self-determination is desirable for a group varies with the character and importance of the relations by which the group is unified. Certain relations make it extremely important that groups bound together by them should be self-determining, while others merely make self-determination desirable to a greater or lesser degree.

What sorts of unifying relation make self-determination—understood here as internal control by the group—highly desirable? And why is self-determination desirable for groups unified in these ways? There are more answers to these questions than can be canvassed in this brief paper. But it will be helpful to distinguish two broad types of unifying relation that are widely recognized as making self-determination highly desirable.

The first of these two types consists of a range of shared characteristics, including commonalities of language, religion, ethnicity, territorial occupancy, tradition, and culture and custom generally (literature, art, music, architecture, dress, cuisine, and so on). Let us call groups whose members are unified by various (though not necessarily all) of these sorts of commonality *cultural communities*. Nations are a prominent type of cultural community. Because the members of a cultural community share certain values, interests, and indeed something broadly describable as a way of life, they typically feel a certain sympathy, kinship, and ease with one another. It is therefore important to them,

as individuals, to live together, collectively pursuing their widely shared conception of the good life. The relevant commonalities also tend to give rise to a collective identity that assumes considerable importance in the lives of the individual members, who seek to transcend their isolation and singularity through identification with the community. In this way they achieve an enlargement of the self—or perhaps an escape from it. The achievements of the community and those within it become a source of personal pride, their failures a source of shame. Thus the recognition and respect the community is accorded by others become vital to the well-being and self-esteem of its individual members.⁹ Self-determination is important, then, to the extent that it is necessary for the flourishing of the community and because granting the community internal control is part of what is involved in according it recognition and respect.

The second broad type of unifying relation is essentially political. A collection of individuals can be strongly united by a common commitment to certain political, social, and economic ideals and institutions even if they are not united by the sorts of cultural bond that unite members of cultural communities. People may, for example, be unified by a commitment to liberal democratic principles and institutions even if they are culturally pluralistic or “multicultural.” Switzerland and (to some extent) the United States are examples of pluralistic, multinational states whose internal unity is more political than cultural or ethnic in character. Unlike cultural commonalities, shared political commitments necessarily require political expression. Thus, for groups united by common political commitments, self-determination (again understood as internal control) is necessary if the individual members are to realize their values and ideals.

Cultural commonalities and shared political commitments often go together. Thus Walzer writes that “the political community is probably the closest we can come to a world of shared meanings. Language, history, and culture come together (come more closely together here than anywhere else) to produce a collective consciousness.... [T]he sharing of sensibilities and intuitions among the members of a historical community is a fact of life.” For Walzer, therefore, states are “the political expression of a common life and (most often) of a national

⁹ These and similar claims are elaborated in my paper “The Limits of National Partiality,” in Robert McKim and Jeff McMahan, eds., *The Morality of Nationalism* (New York: Oxford University Press, forthcoming), though I do not pretend that they are original. Compare, for example, Avishai Margalit and Joseph Raz, “National Self-Determination,” *Journal of Philosophy* 87 (September 1990), 443–47; Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993); Charles Taylor, *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985); and Walzer, *Spheres of Justice*.

'family.'" But of course political commitments, and certainly political boundaries, do not always coincide with the boundaries of cultural communities, as Walzer acknowledges when he observes that "there may well be a growing number of states in the world today where sensibilities and intuitions aren't readily shared."¹⁰

Both in the case of cultural commonalities and in the case of shared political commitments, the relevant unifying relations have a subjective dimension that is essential to the justification for self-determination. In order for a group to count as a cultural community, there must be some recognition among its members that they together constitute a group with a unique identity, a group that will or should have a common fate or future. Indeed, membership is in part a matter of mutual recognition. But, more than this, the members of the community must have a strong and stable desire to live together in order to have a strong claim to self-determination. Typically, of course, this flows naturally from the various commonalities that define their collective identity. Similarly, the fact that people share a commitment to certain political principles does nothing to make self-determination desirable unless they actually want to make a common life together, governed by those principles. Although Americans and Australians share a commitment to democratic political institutions, it doesn't follow that they should be self-determining together. In short, it is a precondition of the desirability of self-determination that the various individuals involved should, in Walzer's words, have "some special commitment to one another and some special sense of their common life."¹¹

While certain subjective dimensions to collective life are essential to the defense of self-determination, the objective character of the association is also important. There are, of course, many forms of commonality that may provide a basis for the desirability of self-determination, and among many of these it is difficult to assign relative degrees of significance. But there are some forms of commonality that are simply less objectively significant, no matter how important they are subjectively to those who share them (for example, no matter how integral they are to those individuals' sense of identity). A consuming interest in the minutiae of "Star Trek" cannot make it morally important that those who share it should be collectively self-determining. Moreover, certain forms of collective identity or certain collective goals or commitments may not only fail to

¹⁰ Walzer, *Spheres of Justice*, 29.

¹¹ *Ibid.*, 62.

form the basis of a claim to self-determination but may actually militate against such a claim. Projects or forms of association that are essentially evil (for example, the social and political commitments of white supremacists) are of this sort.

I will not dwell on the details. The important points, for our purposes, are as follows. In order for it to be morally important that a group be self-determining—in the sense that its essential affairs are governed by members of the group rather than by nonmembers—the group must be unified in certain special ways. The desirability of self-determination depends both on the objective character of the unifying relations within the group and on the presence of certain subjective factors, such as a shared desire to build or sustain a collective life together and, perhaps, a shared sense of collective identity. And the degree to which it is desirable for a group to be self-determining in this sense is one important consideration—though not necessarily a decisive one—in determining whether or not, all things considered, the group should have an independent state of its own.

Walzer's Doctrine of Nonintervention

Contemporary discussions of the ethics of intervention start with Michael Walzer's seminal theory in *Just and Unjust Wars* and the various positions taken are defined in relation to his view. My argument here will be no exception, since Walzer's text is the modern locus classicus of the view that the rule of nonintervention derives from the imperative to uphold and protect collective self-determination. According to Walzer, "the survival and independence of...separate political communities," in which "men and women freely shape their separate destinies," are "the dominant values" of international society.¹² Intervention, according to Walzer, undermines these values by wresting control of the lives of the people in the target state. He does, however, identify three types of case in which the otherwise rigid rule against intervention is relaxed. My exploration of the relation between intervention and collective self-determination will proceed by means of a critique of Walzer's theory of nonintervention, in particular the three exceptions to the principle of nonintervention.

The three exceptions to the principle of nonintervention are summarized by Walzer as follows:

¹² Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 61, 72. See also his "The Moral Standing of States," in Charles R. Beitz, et al., eds., *International Ethics* (Princeton: Princeton University Press, 1985), 217–37.

(1) *Secession*: “when a particular set of boundaries clearly contains two or more political communities, one of which is already engaged in a large-scale military struggle for independence; that is, when what is at issue is secession or ‘national liberation.’”

(2) *Counter-intervention*: “when the boundaries have already been crossed by the armies of a foreign power, even if the crossing has been called for by one of the parties in a civil war, that is, when what is at issue is counter-intervention.”

(3) *Humanitarian intervention*: “when the violation of human rights within a set of boundaries is so terrible that it makes talk of community or self-determination...seem cynical and irrelevant, that is, in cases of enslavement or massacre.” (Later he adds mass expulsion to the list of grievous abuses that may justify humanitarian intervention.)¹³

The first two of these three exceptions are really corollaries of the idea that nonintervention is required by respect for collective self-determination. The first exception—cases involving secession—implicitly recognizes that the ideal of self-determination applies only in the case of groups that are unified in certain ways. This exception in effect defines the conditions in which the borders of the state do not encompass a single political community. In these conditions, the presumption against intervention based on respect for collective self-determination fails to apply, at least in the usual way, since the ideal of self-determination itself does not apply to the population of the state as a whole. For the population of the state does not constitute a unit of the requisite sort but is divided into separate and distinct political communities.

There is, however, a second, positive reason why intervention on behalf of a secessionist movement is compatible with respect for self-determination. For not only does the population as a whole possess no right of self-determination that would be violated by intervention, but, Walzer suggests, intervention would also support the secessionist community’s own self-determination, which is being thwarted by a government that, because it represents a different political community, is now “a foreign power, morally if not legally alien.”¹⁴

¹³ Walzer, *Just and Unjust Wars*, 90, and “The Moral Standing of States,” 225–26.

¹⁴ Walzer, *Just and Unjust Wars*, 93.

The second exception is also a corollary of the principle of nonintervention. For the rationale behind this principle is that the only way to resolve conflicts within a state that is compatible with self-determination is to allow the outcome to be determined by the internal balance of forces. When this balance is disrupted by external intervention, counter-intervention is justified in order to restore the initial balance, canceling the effect of the previous intervention. "The outcome of civil wars should reflect not the relative strength of the intervening states, but the local alignment of forces."¹⁵

Only in the case of the third exception is the ideal of self-determination overridden. Walzer appears to assume that these are cases in which intervention involves a violation of self-determination but is justified nonetheless because the violation of human rights within the target state is so egregious that it outweighs the importance of respect for self-determination. It is, indeed, because the ideal of self-determination has to be overridden in this case that the abuses that justify intervention must be so serious (massacre, enslavement, or mass expulsion). The exception for humanitarian intervention is so weak precisely because the requirement of respect for self-determination is so strong.

I now want to work toward a better understanding of intervention by means of a critical examination of Walzer's account. I begin with a remark about the exception for intervention on behalf of secession. Walzer correctly notes that not just any secessionist movement qualifies for assistance in the form of intervention. But the restrictions he imposes do not seem to me to be the right ones. In the passage quoted earlier, he insists that there should already be a "large-scale military struggle" in progress, though later he suggests a weaker requirement of "political or military struggle sustained over time."¹⁶ These conditions are, it seems, held to be necessary as evidence that the movement is supported by a large community committed to independence. But insofar as the conditions reflect an insistence that members of the secessionist community be numerous, they seem to me to be a mistake. For a group with the right sort of unity for self-determination could in principle be quite small—too small, in many instances, to mount a credible military struggle, or even an effective political struggle, against the vastly greater power of the government of the state in which it finds itself. If Walzer's theory is confined only to military intervention, then of course the size of the secessionist community may be relevant, since it could obviously be wrong

¹⁵ Walzer, "The Moral Standing of States," 101.

¹⁶ Walzer, *Just and Unjust Wars*, 93–94.

to go to war when the stakes are comparatively small, especially if there is not already a war in progress. But the objection to intervention in this case would be based entirely on considerations of proportionality. Respect for self-determination would favor intervention, but this consideration would be overridden by the disproportionate cost of war.

While the size of the secessionist community seems irrelevant except where considerations of proportionality are concerned, there are various other reasons why intervention on behalf of a secessionist movement may be wrong—some of which derive directly from reasons why the attempt at secession may itself be wrong. Walzer, I believe, too readily accepts the assumption that, if certain people within a state constitute a distinct political community to which the ideal of self-determination applies, they must have a right to secede or otherwise free themselves from control by the state. I cannot, however, argue against this assumption here, though good arguments have been advanced elsewhere.¹⁷

Turn now to the second exception: counter-intervention. One writer has foolishly objected to Walzer's doctrine of counter-intervention on the ground that it is incompatible with the exceptions made for intervention on behalf of secession and in response to egregious violations of human rights.¹⁸ The assumption behind this objection is that the doctrine of counter-intervention applies in these cases—that is, that Walzer holds both that intervention on behalf of secession (or in defense of human rights) is permissible and that counter-intervention intended to cancel the effect of the initial intervention is also permissible. And this seems absurd. For if the initial intervention is just, how can it be permissible to counter-intervene to restore the presumably unjust status quo ante? The mistake, however, seems not to be Walzer's—though his occasional presentations of a seemingly unqualified permission to intervene to balance previous interventions, one of which I quoted above, may be misleading. Walzer's intended view is presumably that counter-intervention is permissible only to cancel the effects of previous interventions that have violated the principle of nonintervention. Since certain interventions on behalf of secession or in defense of human rights do not violate this principle, the doctrine of counter-intervention does not apply in these cases.

In fact, Walzer's doctrine of counter-intervention is presented and developed in relation to one specific type of case—namely, that in which “a single commu-

¹⁷ Buchanan, *Secession*, esp. ch. 3. For a recent defense of a position between those of Walzer and Buchanan, see Philpott, “In Defense of Self-Determination.”

¹⁸ McMahan, “The Ethics of International Intervention,” 96.

nity is disrupted by civil war.”¹⁹ Civil war, so understood, is distinguished from secessionist conflict in two ways. First, the conflict occurs within a single community rather than between communities, and, second, both parties to the conflict seek to establish control of the whole of the territory they occupy—that is, each seeks to assert control over the other—whereas in a secessionist conflict one of the parties does not seek to control the other but only to withdraw from its control. It seems clear that the principle of nonintervention has maximum plausibility when applied to civil war understood in this way. When a single community is struggling to resolve an issue and all parties to the conflict will have to live with the outcome (since none intend to break away), it is plausible to suppose that the outcome should be determined only by those whose future is directly at stake—that is, by the members of the community themselves. It is, therefore, in these cases that the doctrine of counter-intervention also has maximum plausibility. Again, it is evident that this combined doctrine of nonintervention and counter-intervention follows from a commitment to respect for collective self-determination. When the members of a state have a collective identity of the requisite sort and what is at issue is *their* collective future, then it is their right to shape that future as they see fit. And any disagreement among them is also theirs to resolve.

I believe that this doctrine of nonintervention is overly restrictive, partly because it is based on too broad a conception of collective self-determination. I will advance several objections, beginning with a couple that may already be familiar and working from these to others that I think are more fundamental and that bear directly on the relation between intervention and collective self-determination.

One problem with Walzer’s account is that it contains what I consider a pernicious bias toward governments. This is clearest in the case of civil war. According to Walzer, in a civil war it is at no point permissible for an external power to intervene on behalf of the opponents of the government (provided, of course, that the government does not commit atrocities that make humanitarian intervention permissible). But Walzer appears to accept, as compatible with his account of the morality of intervention, the view of international law that it is permissible to assist “the established government—[for] it is after all, the official representative of communal autonomy in international society—so long as it faces nothing more than internal dissension, rebellion, and insurgency.” Only if

¹⁹ Walzer, “The Moral Standing of States,” 225.

the opponents of the government demonstrate their capacity for “self-help” by establishing “control over some substantial portion of the territory and population of the state” does it become impermissible to provide military assistance to the government.²⁰

But it is the nature of governments that they normally have numerous advantages over their domestic opposition: they can collect taxes, receive nonmilitary aid from abroad, control the dissemination of information, and so on. If they are additionally permitted to call on military assistance from other states to suppress incipient dissent or rebellion, this may make it impossible for minority groups ever to free themselves from repressive control by the state. It may make it impossible, for example, for a minority nation ever to meet the conditions that Walzer insists it must meet in order to establish itself as a distinct community that may legitimately be aided in its struggle for self-determination. In short, allowing intervention on behalf of governments in the early stages of domestic conflicts adds enormously to the inherent advantages of these governments and permits legitimate struggles for self-determination to be stifled at birth.

A related objection arises from the assumption that nonintervention allows for self-determination because it permits the outcome of conflicts within a state to be determined by the internal balance of forces. The problem with this assumption is that the internal balance of forces may not reflect or even closely approximate the real strengths of the contending parties. One reason for this is of course that the government enjoys the entrenched advantages just noted. But there are many other ways in which the distribution of power may be skewed, so that the power of some groups is altogether disproportionate to their numbers. Bosnia is a case in point. In the fledgling Bosnian state, the Serbs were a minority that did not control the government. Yet they had access to the caches of weapons left in place by the Yugoslavian territorial army, which was dominated by Serbs. This, together with certain forms of support from their conationals in Serbia, gave them a degree of power far greater than their numerical strength. *If* one can think of the combined populations of Bosnia as constituting a unit to which the ideal of self-determination applies (an assumption that seemed plausible several years ago but is increasingly implausible now), then there is a clear sense in which their self-determination is *not* furthered by such noninterventionist practices as prohibiting external agents from supplying weapons to the Bosnian government. If counter-intervention can be justified as a means of restoring the distribution of power

²⁰ Walzer, *Just and Unjust Wars*, 96.

within a state that has been disturbed by a previous intervention, then it seems that intervention could also be justified in other instances when it would have the same desired effect: namely, eliminating advantages that one party to a conflict may have and that give it power disproportionate to its numbers, when these advantages result from factors no less arbitrary and irrelevant to self-determination than external intervention.

A third objection seeks to expand the scope of Walzer's third exception to the rule of nonintervention: humanitarian intervention. As I noted earlier, Walzer thinks that this exception is extremely restricted, allowing intervention only in the most extreme circumstances, since the abuses have to be grave enough to justify overriding the value of collective self-determination, which for him is the supreme value in international ethics. But this conception of the right of collective self-determination—which protects domestic action up to the point of atrocity—is in tension with our understanding of the right of self-determination at the individual level. At the individual level, the right of self-determination is not coextensive with the domain in which autonomous choice or action is possible. The right of self-determination or autonomy covers only a limited sphere of choice that consists primarily in importantly self-regarding choices. Most of the choices protected by the right of individual self-determination are ones for which it is morally permissible for the agent to resolve either way—for example, either to perform or not to perform a certain act. In short, the scope of the right of individual self-determination is constrained by the rights and even the interests of others. Admittedly, it is true that certain acts that are both wrongful and injurious to others may be protected by an agent's right to self-determination, so that others may not forcibly intervene to stop them. For example, a parent may be acting within her rights if she inflicts an excessive or disproportionate punishment on her child. Yet, if the harshness of the punishment exceeds certain limits, others may intervene. The fact that the point at which intervention becomes permissible is beyond the point at which the punishment becomes excessive does not mean that, even within the intimate setting of family life, the right of self-determination is unconstrained.

It is reasonable to assume that the right of collective self-determination is similarly restricted. It does not give a political community a license to do whatever it pleases. The right is limited by other elements of morality, including the rights of individuals. This is, of course, acknowledged by everyone (except, perhaps, a few hard-core political realists) in cases in which the victims of a state's wrongful action are the citizens of another state. Walzer, however, seems

to assume that matters are different when the victims are (ostensibly at least) members of the same political community as the wrongdoers. But why should this matter if the action is seriously wrong? Why should such action be thought to be protected by the right of collective self-determination?

It might be argued that, in this case, the right of collective self-determination belongs to the victims as well. How can their right to collective self-determination be limited by their other rights (that is, rights that forbid their being victimized in the relevant ways)? Some, indeed, have supposed that all purely internal action by a state is covered by the right of self-determination because all such action is relevantly self-regarding and hence, like purely self-regarding action at the individual level, cannot be wrong according to liberal morality. This, however, is to take the fiction of a collective self too literally. When the government wrongly harms certain citizens of the state it controls, it is absurd to suppose that this can be described as a single self-determining unit harming itself. It is obviously possible for the members of a subgroup within a single political community seriously to wrong or harm the members of another subgroup, and there is no reason to suppose that such action is protected by a right of self-determination possessed collectively by the members of both groups. For, at least beyond a certain point, this action is not covered by any right at all. There may be good reasons why others outside the community ought not to intervene, but the claim that intervention would violate a single right of self-determination possessed by the agents and their victims alike is not among them.

Walzer's theory may draw plausibility from the fact that it is, primarily, a theory about *military* intervention. For it is not unreasonable² to suppose that military intervention is warranted only when violations of human rights begin to reach the level of atrocity. Even if a government is acting outside the scope of its right to self-determination, military intervention may be a disproportionate response in that the harm it would cause would outweigh the harm it would prevent. If true, this would be a decisive objection.²¹ But it derives from the military character of intervention, not from considerations of self-determination.

The Limited Scope of the Ideal of Self-Determination

So far I have assumed that certain categories distinguished by Walzer coincide. There are, first, cases in which a state encompasses two or more distinct political communities whose interests and perhaps efforts at self-determination are in

²¹ Again, for a detailed analysis of the proportionality requirement, see McMahan and McKim, "The Just War and the Gulf War," sect. 3.

conflict. The only explicit discussion of these cases in *Just and Unjust Wars* occurs in the subsection entitled “Secession,” in which Walzer defends the first exception to the principle of nonintervention. Interestingly, while the subsection in which the third exception is discussed is called “Humanitarian Intervention,” the subsection in which the second exception is defended is called not “Counter-Intervention” but “Civil War.” In a summary of this section in a subsequent article, Walzer observes that it deals with cases in which “a single community is disrupted by civil war.” This suggests an assumption that conflicts between distinct political communities within a single state take the form of struggles for secession or national liberation. When there are problems, struggles, or conflicts within a state that do not take this form, we are to assume that they involve a single political community.

But this leaves out what is arguably the most common form of conflict within a single state: namely, that in which two or more distinct political communities are engaged in a struggle for control of the entire state. These conflicts do not fit either of the categories distinguished above. They are not instances of secession or national liberation, since neither community seeks independence; rather, each seeks effective control of the other. Nor are they civil wars as understood by Walzer in his discussion of counter-intervention. It would, of course, be a mistake to assume that Walzer *defines* civil war so that the category excludes conflicts between distinct communities, none of which seeks separation or independence. Nevertheless these conflicts are ones that he does not explicitly consider.²² They have fallen through a gap between his categories. Yet I suspect that they may be more common than civil wars that occur within a single political community. For, when the rupture between two groups has reached the point of war, with each side strong enough to control substantial amounts of territory, it becomes strained to see the groups as together constituting a *community*, much less a *political* community with a common political identity and shared political goals. If the groups had sufficient political unity to constitute a political community, they would not be at war.

Cases in which two or more indigenous and apparently distinct communities are struggling for control of a jointly occupied territory *are* covered by Walzer’s theory of nonintervention. Since such cases do not fall within any of Walzer’s

²² There is a footnote spanning pp. 54–55 of *Just and Unjust Wars* in which Walzer refers to “the problem of national minorities—groups of people who do not fully join (or do not join at all) in the contract that constitutes the nation.” There he claims that, unless they are subject to “radical mistreatment” (in which case their situation would fall under his third exception), they do not affect his argument.

three exceptions to the principle of nonintervention (unless, contingently, they involve massacre, enslavement, or mass expulsion or there has been a prior unjust intervention), Walzer's theory implies that they are off-limits to intervention. Why is this? Recall that the three exceptions to the principle of nonintervention are intended to state the conditions in which the principle either does not apply or is overridden. In the absence of one or another of these conditions, intervention is ruled out because it would violate the right of collective self-determination of the community within the target state.

Yet—and this is the crucial point—in cases of civil war between distinct political communities, each vying for control of the whole, it is highly doubtful that the two communities share a single right of self-determination that might be violated by intervention. For, as I noted earlier, a group must be unified in certain ways in order for it to be reasonably ascribed a single right of self-determination. But, if it is appropriate to describe the groups involved in a civil war as distinct political communities, then that suggests that they are together not unified in one of the ways that are sufficient for the possession of a single right of self-determination.

This point can be expressed in another way. Self-determination is a matter of domestic or internal control. As Walzer acknowledges, it has less to do with self-rule in the sense of rule through democratic institutions than with the absence of external control or domination. But the distinction between domestic and foreign, or between internal and external, assumes that there is a unit in the relevant sense: a community with a shared sense of identity, a set of common political goals, and so on. The less unity there is within the group, the less clear and important the distinction between domestic and foreign, or internal and external, becomes.²³ Thus, in conflicts between two distinct political communities within the same state, the two may in effect be foreigners to each other. Each may have more in common with some nominally external group than with other groups within their state. This is the case today, for example, with the Serbs, Croats, and Muslims in Bosnia. In cases of this sort, the population of a state as a whole may not form a unit with respect to which the distinction between domestic and foreign has its normal significance. And, if that is the case, the notion of domestic control or communal self-determination may, when applied to the population as a whole, be largely empty.

²³ This claim echoes Derek Parfit's dictum about personal identity and self-interest: "If the fact of personal identity is less deep, so is the fact of non-identity." See his *Reasons and Persons* (Oxford: Oxford University Press, 1984), 339.

The main challenge to Walzer's theory of nonintervention is that, if a state contains two or more communities that are sufficiently divided to be at war with one another, then the population of the state—the citizenry—may not possess a single right of self-determination that would be violated by intervention. In these circumstances, the case for intervention would parallel Walzer's own argument for the permissibility of intervention in secessionist conflicts. If intervention is permissible on behalf of a representative secessionist movement because the state as a whole no longer constitutes a single community with a single right of self-determination, then it should also be permissible (other things being equal) in other cases in which this is true but in which the conflict between communities is not over secession or national liberation. Just as, in the case of secession, the concern for self-determination must focus on the claim to self-determination of the seceding group rather than on that of the population as a whole, so in the case of civil war the belligerent groups may all be striving to defend their own conflicting claims to self-determination. There is no longer only one unit whose self-determination is at issue. It may therefore be radically unclear what respect for self-determination requires. But it no longer unambiguously requires nonintervention.

To this it might be replied that there remains an important difference between secession and civil war. In the case of secession, the secessionists seek self-determination for themselves but do not seek to impose their own rule on the other citizens of the state from which they seek to withdraw. But the group that controls the state and opposes the secession *does* seek to continue to impose its rule on the secessionists. There is, in short, an asymmetry between the claims of the secessionists and the anti-secessionists—one that makes intervention on behalf of the secessionists seem, at least *prima facie*, compatible with respect for the self-determination of both parties. For the goal of the secessionists seems compatible with self-determination for both groups while that of the anti-secessionists does not. In the case of civil war, by contrast, there is no such asymmetry between the goals of the contending parties. Each seeks to impose its rule on the other. Thus intervention on behalf of one is necessarily incompatible with respect for the self-determination of the other (or others, if more than two groups are involved). This, it might be argued, is why the case for intervention on behalf of a secessionist movement does not automatically transfer, *mutatis mutandis*, to intervention in a civil war.

This seems right. It suggests that, other things being equal, the presumption against intervention in a civil war is stronger than that against intervention on

behalf of an effort at secession. But it leaves the earlier conclusion standing—namely, that intervention in a civil war between two distinct political communities is not ruled out simply by a requirement of respect for the self-determination of the population as a whole. As I noted, what is required by respect for self-determination may be radically unclear, since the efforts at self-determination of different groups are in conflict. Yet there will be cases in which intervention may on balance promote the value of self-determination. Suppose that two communities, the Alphas and the Betas, are at war for control of the entire territory of Gamma, over which both groups are intermingled. The Alphas are extremely illiberal and aim to assimilate the Betas into their culture or, failing that, to make the Betas second-class citizens, with weaker civil and political rights than those of the Alphas. The Betas, by contrast, are culturally tolerant and willing to respect the Alphas' culture and even promote it in various ways. If it is important that both groups be self-determining to the highest possible degree, then intervention on behalf of the Betas could presumably be defended on the ground that self-determination for both groups will be possible only in the event of victory by the Betas.

At this point the defender of Walzer's more traditional view might seek to reassert the claim that respect for the self-determination of the population of Gamma as a whole—that is, the Alphas plus the Betas—prohibits intervention. For the Alphas want to control both themselves and the Betas and the Betas want to control both themselves and the Alphas. Since each asserts a claim to control the other, there is certainly a sense in which each recognizes both communities as parts of a whole, and indeed the communities constitute a political unit in at least this minimal sense: that, given the nature of their conflict, both will have to live together under the same institutions in its aftermath. Both will be components of a single *de facto* political unit. Thus it might be argued that, since they are destined to share a common future in this sense, the character of that future should be determined by them, even if they now radically disagree about the shape that it should take.

There is, it seems, a coherent notion of a political community here: namely, a group of people united politically under certain institutions within a fixed territory. And there may be a presumption that the nature of those institutions should be determined internally, by the people who live under them. If, for example, the Alphas are far more numerous and other factors are equal, then it may be compatible with self-determination (in both the second and third senses distinguished previously) to allow their sheer numerical strength to determine the

outcome. If either the Alphas or the Betas must be dominant, the fact that the Alphas are in the majority surely provides *some* reason for thinking that they should prevail. (On the other hand, of course, the dominance of the Alphas may be the result of some arbitrary factor, such as the possession of more and better weapons. In that case, allowing the outcome to be determined by the internal balance of forces might be, in a broad sense, undemocratic or even antidemocratic.)

Notice, however, that a political community in this broad sense need not be united in the ways that Walzer rightly finds particularly valuable. Its members need not share a sense of collective identity; they need not have common values, ideals, or commitments; they need not desire to live together because they wish to live in a way that embodies or expresses a mutually valued culture; and so on. Thus, insofar as there is an ideal of self-determination that applies to political communities of this sort—ones that are united *only* in this minimal political way—it is a considerably weaker ideal than that which applies to communities that are united by a rich range of political and cultural relations. As I noted earlier, the importance of self-determination varies with the nature and strength of the unifying relations within a group. Thus when a group is united only by the very thin sorts of political relations that obtain among the members of the group [Alphas + Betas], whether or not the group is self-determining matters less than it would if the unifying relations were richer and more substantial.

In the case of the Alphas and the Betas, there are three potentially self-determining units: (1) the Alphas, (2) the Betas, and (3) the [Alphas + Betas]—that is, the population of Gamma as a whole. Self-determination for each of these groups is in conflict with self-determination for the others. Of the three, the unit with the weakest claim to self-determination is the [Alphas + Betas], for it is only very weakly politically unified. In particular, the members of [Alphas + Betas] lack the relevant subjective unifying relations, such as a shared sense of identity, a desire to live together, and so on. By contrast, each of the other units—the Alphas and the Betas—may be strongly internally unified in ways relevant to self-determination. The Alphas, for example, may strongly identify themselves as Alphas, share a set of common values and commitments, and so on, and the same may be true of the Betas. If this is so, then each subgroup constitutes a more substantial “self” for purposes of self-determination than does the combined population. Concern for collective self-determination should therefore be focused more on the subgroups and less on the larger combined population. Self-

determination for the Alphas and self-determination for the Betas must take priority over self-determination for the [Alphas + Betas].

Again, because self-determination for the Alphas and self-determination for the Betas are in conflict, the morality of intervention may be very complicated. Nevertheless, the recognition that there are different ideals of self-determination that apply in different ways to groups that are unified in different ways forces us to acknowledge that the cases that fall under Walzer's three exceptions are not the only ones in which intervention is not ruled out by respect for self-determination. Because of this, we may be forced to examine certain cases on their own merits. This may lead us to discover a variety of considerations that militate against intervention, considerations that we previously overlooked because we had simply assumed that intervention was ruled out by respect for self-determination. But overall I suspect that the recognition that there are various forms of self-determination, some more important than others, supports a less rigid, more permissive doctrine of nonintervention.