

Just War and Forcible Democratization

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Forcible democratization is the use of military force by an external party to establish or restore democratic political institutions in a nondemocratic state. In this paper, I set out several possible arguments for forcible democratization, and argue that it is justified only in very specific circumstances. Despite the objections of some recent scholars, I believe that just war theory offers the best perspective from which to evaluate war and military interventions, so my analysis will draw heavily from this tradition. The structure of the paper is as follows. In the first section, I provide a brief history of American wars and military interventions associated with attempts at democratization. In the second section, I address the applicability of just war terminology to modern warfare, and introduce a distinction between the just causes and just ends of military intervention. Thereafter, I use this distinction to divide arguments for forcible democratization into manageable categories. In the third section, I argue that the absence of democratic political institutions never constitutes a just cause for intervention. In the fourth, I argue that establishing a democracy is a just end of military intervention only when the following conditions are met: (1) total war and subsequent political reconstruction are justified; (2) democratization of the target state is a genuine possibility; and (3) the people of that state actually want a democratic government. I conclude with a short summary.

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1. Democratization and American Interventions

Democratization and military intervention have been closely associated in American foreign policy since the end of World War II. The highly successful political reconstruction of Germany and Japan proved that it was at least possible to build stable democratic institutions on the ruins of states defeated in war. This was an important step forward for proponents of military intervention, and forcible democratization in particular, since they no longer had to contend with

John Stuart Mill's view that a people cannot really be made free by outsiders, but must win freedom for themselves. Mill writes, "the only test...of a people's having become fit for popular institutions is that they, or a sufficient portion of them to prevail in the contest, are willing to brave labour and danger for their liberation."¹ As Walzer remarks, Mill's point seems not to be that oppressive regimes deserve to rule if they can successfully put down popular revolutions, but that oppressors would simply be unable to stay in power if a sufficient number of citizens desires popular institutions strongly enough to fight for them.² Even if World War II had not demonstrated that Mill drastically underestimated the coercive power of a modern state over its citizens, the democratization of Germany and Japan showed that a people might be "fit" for popular institutions even if they are powerless to bring it about themselves.

The political reconstruction of Germany and Japan were, as von Hippel points out, the pinnacle of American nation-building; subsequent attempts at forcible democratization have fallen far short of these early victories.³ Several factors contributed to the relative ease with which American forces converted Germany and Japan into functioning democracies: both were educated and highly literate societies, both were economically developed, and, at least in Germany, there was already a tradition of democratic government to build on. None of these factors are necessarily prerequisites for establishing democracy, but as other attempts at post-conflict democratization have shown, the absence of literacy, economic development, and democratic traditions makes such political reconstruction much, much harder.

If rebuilding Germany and Japan was the pinnacle of American political reconstruction, Vietnam was rock bottom. Attempts at establishing democratic institutions in South Vietnam

¹ Mill 173.

² Walzer 87.

³ Remaining paragraphs in this section draw heavily on Karin von Hippel's immensely helpful *Democracy by Force*.

largely foreshadowed US foreign policy for the remainder of the Cold War, which concerned itself only nominally with advancing democracy. Von Hippel writes,

[U]nlike in Germany and Japan, democracy was not the priority in Vietnam. Halting the communist advance was more important, which is why the bulk of foreign assistance went on military spending. The greater emphasis on military aid meant less funding for sustainable development programmes, and a reduced effort to understand how democracy could be adapted to Vietnamese culture, or if indeed this was desired or possible.⁴

As this passage suggests, had US policy in South Vietnam been more wholeheartedly engaged in fostering democracy, and had American governmental departments displayed a more coordinated approach to political reform, it is still possible that democracy would not have taken root.

But by the end of the Vietnam conflict, the Cold War was in full swing and these questions were largely beside the point. More and more, support for democracy became euphemism and pretext for the support of noncommunist regimes in strategic areas of the world—Central America, Africa, Asia—no matter how illiberal they were.⁵ It was only after the Cold War ended that the term “democratization” returned to its original and more appropriate usage. Since the American invasion of Panama in late 1989, attempts at forcible democratization have (purported to) aim not just at the installation of an anti-communist regime, but at more or less genuine democratic reform. Since then, the United States—sometimes with, sometimes without the cooperation and sanction of the UN—has engaged in several major military operations which used the establishment or restoration of democracy to the target state as a rationale and/or goal of intervention. Haiti, Somalia, Bosnia-Herzegovina, and of course Iraq have all occupied center stage in American media, politics, and foreign policy during the last two decades, and in each case democratization has been seen as the goal of, or a partial justification for the use of military force.

⁴ von Hippel 20.

It is not my purpose in this paper to argue that a particular intervention was or was not an instance of forcible democratization, let alone a justified instance. Nor will I attempt to decipher in which of these cases, and to what extent, the possibility of democratizing a foreign state played a part in motivating the United States government to attempt it, or in garnering public support. Nowhere is the moral case for war more confused than in the rhetoric of policy-makers, and the chore of deciphering and interpreting the claims made there falls largely to political scientists and historians; my task here is to reconstruct and evaluate what plausible arguments are to be had in favor of forcible democratization. No doubt governments often go to war out of perceived self-interest. And I think that it is probably the case that, more often than not, the justifications they give to the people they represent are mere pretext and propaganda. But a war motivated by self-interest could still be just, if the justifications given are both true and morally compelling; so any purported justification offered in favor of the use of military force deserves careful scrutiny.

2. Just War, Just Causes, and Just Ends

A considerable amount of recent literature on military intervention urges that we abandon or severely rework traditional just war theory to address the moral problems surrounding the new paradigm of “humanitarian” military operations and “peacekeeping” missions. The main problems, some theorists allege, are that (1) the just war tradition was founded on a fundamentally religious conception of the world which is no longer acceptable as a basis for moral thought; (2) it addresses only conflicts between sovereign states, while interventions in the modern world frequently target regimes whose sovereignty, and even viability, are open to question; and (3) certain elements of traditional just war theory—proper authority and just

⁵ von Hippel 23.

cause—are outdated.⁶ On these grounds, it is argued, traditional just war theory is inapplicable to recent and ongoing military interventions.

First, while the work of Christian scholars has strongly and perhaps definitively influenced work surrounding the morality of war, it is by no means obvious why the rejection of that religious perspective necessarily undermines the validity of much work in the just war tradition. As recent accounts of just war demonstrate, it is possible to construct a compelling theory of just war that relies only on the acceptance of certain socially basic human rights, as well as the normative framework embodied in extant international law.⁷ It is also worth emphasizing that the just war tradition encompasses a wide set of differing criteria for a just war. Just war theory is not a unified and coherent view that puts forward a single agreed-upon collection of doctrines. And unless critics are prepared to argue that the very notion of “just cause” is useless to the moral evaluation of military intervention—which would amount to the claim that no moral justification for the use of military force is necessary—it is difficult to see how the categories and terms of just war are inapplicable to modern war.

Second, though I grant that the notion of state sovereignty has undergone significant change during the last three decades, this is not fatal to the relevance of just war theory to military interventions. The proliferation of international organizations in all realms of state conduct has done very little to lessen the recognition of states whose moral and legal credentials are questionable. So I might argue that it is sophistry to claim that the usual targets of military interventions are not really states, since these entities—whatever they are—are treated like states in all other respects. However, I prefer a less contentious argument. I think recent accounts again demonstrate that a theory of just war can be broad enough to cover much more than

⁶ For the first and third, see Brown, “International Affairs.” For the second, see Frost.

⁷ In particular, see Luban, “Just War and Human Rights,” and Walzer, *Just and Unjust Wars*.

traditional, conventional warfare between two sovereign states. To argue that the use of force against a large, armed, and organized military which claims territory is not war, since no legitimate government has control over that region, is to miss the point. Military interventions that encounter massive and coordinated resistance either are wars, or are close enough to being wars that the relevant moral issues are the same. It is not important for my purposes to draw a principled line between the two, so I use the terms “war” and “military intervention” interchangeably throughout the paper.

Finally, as I suggested above, it is too quick to entirely dismiss the vocabulary of just war theory simply because it seems outdated. The terminology of all philosophical movements is subject to change over time, as new questions arise and old questions are answered. So it should not surprise us that key areas of a centuries-old body of thought require some modification and elaboration. However, the central concerns of traditional just war theory broadly construed—justification for the resort to military force, proper authority, right intentions, likelihood of success, and proportionality considerations—are as relevant as they ever were. Trying to reinvent just war theory for the modern era is like trying to reinvent the wheel—we would be as well served to avail ourselves of existing theory as to look for ways of improving it.

My evaluation of forcible democratization relies heavily on one of the central elements in most theories of just war: just cause. So much has been written on this concept that a full discussion of proposed definitions is beyond the scope of this essay;⁸ for the sake of convenience I will stipulate that a *just cause* is a legitimate ground for the use of military force—generally, an unacceptable condition or state of affairs which can only be remedied by recourse to war. By itself, a just cause is only a necessary condition on just war, since practical considerations of

⁸ Though see Coates 146-66 and Regan 48-67 for useful contemporary treatments.

proportionality and the likelihood of success can undermine the permissibility of war. But since a just cause explains why a war is to be fought, it is arguably the most important element in evaluating the case for war from a moral standpoint. Though lists of potential just causes differ from author to author, in most accounts, just causes for war fall into two categories: aggression either against one's own or another state, and massive human rights violations. That is to say, just wars are wars of self-defense and defense of others against the military actions of another state, or they are wars to terminate genocide, ethnic cleansing, and the like. But note the slippage here: in the first formulation what has been specified are the conditions under which the use of force is justified, and in the second formulation, just wars are characterized in terms of what they are trying to achieve.

I want to pull these two ideas apart. Just causes *justify* war—they give reasons or cite conditions under which the resort to and continued use of force might be morally permissible, subject to proportionality, etc. But just causes for war are conceptually distinct from the *just ends* of war—the just ends being the legitimate goals or aims of a justified military operation.⁹ When we are speaking loosely about just war the distinction between the two is hard to see, because just causes specify, in broad terms, what the just ends ought to be: the termination of whatever conditions constituted just cause in the first place. In every case, the overarching aims of a just war must be to halt either aggression or massive human rights violations. But when we start speaking in more detail about what objectives are appropriate to a given just war, it is hardly more informative to say that the goal of the war is to stop aggression than it is to say the goal of the war is to stop the war. The primary just ends of a war are built into—or fall out of—the causes that justify the war. But we need a more detailed articulation of which ends are and are

⁹ Jeff McMahan made a similar distinction in the *Democracy and Global Justice* conference at Washington University-St. Louis.

not justified in the service of those overarching ends of terminating aggression and human rights violations. There is a plethora of less immediately important distinctions to be made here, since some of these smaller ends are instrumental to the achievement of the primary ends, and some are constitutive of them. We could even group all of them under the category of “means”—though to do so invites confusion with other means of warfare like tactics and weaponry, while what I am thinking of here revolves more around the results a war should aim at rather than the methods it uses to get there. For the purposes of this paper, I will continue to use the term “ends,” and restrict my use of that term to goals or aims instrumentally necessary to or constitutive of primary ends.

This distinction is crucial to the moral evaluation of forcible democratization. Since the arguments presented by scholars and statesmen in favor of such a policy rely on a close association between democratization and the use of military force rather than on explicit argumentation, it is left unclear whether democratization is supposed to be a just cause for intervention or only a just end. As with all rhetoric, equivocation on matters such as these is what gives bad arguments the illusion of plausibility. For the sake of charity, I will attempt to reconstruct arguments for forcible democratization along both lines: first, that the absence of democratic political institutions constitutes a just cause for intervention, and second, that democratization is a just end of interventions justified on other grounds.

3. Just-Cause Arguments for Forcible Democratization

Although widely disputed by scholars in all relevant fields, the democratic-peace hypothesis claims that democratic societies are rarely aggressive. The statement is sometimes qualified by adding that they are rarely aggressive towards other democracies, and it is sometimes formulated as a comparative claim: democracies are less aggressive than

nondemocracies. Proponents cite empirical evidence and offer deductive explanations for why this is so; detractors eye-roll the data as inconclusive or equivocal, and poke holes in explanatory theories. The general idea is found in Kant's 'On Perpetual Peace,' and many contemporary philosophers, political theorists, and politicians appear to accept it as true in spite of its many critics. Statistical evidence notwithstanding, the thrust of the argument for the democratic-peace hypothesis revolves around the structure of democratic societies: in democracies, leaders are accountable to their constituents, and, usually, their constituents are less eager for war than they are. I will not engage with the literature on the democratic peace hypothesis, and I prefer to remain agnostic about its truth. But for purely rhetorical purposes, I am prepared to grant that democratic societies tend to be less aggressive than nondemocratic societies. It does not follow from this that nondemocratic governments are necessarily prone to violence, and it certainly does not follow that genuine democracies are necessarily peaceful, even amongst themselves. The democratic peace argument for forcible democratization will of course hinge on the truth of that hypothesis, but I am more interested in the inference that moves from it to a justification of military intervention, or to the presumption of democratic political reconstruction in the even of an intervention justified on other grounds.

Now, if the democratic-peace hypothesis is true, the benefits of universal democracy to international peace cannot be doubted. As President Clinton said once, "ultimately, the best strategy to ensure our security and to build a durable peace is to support the advance of democracy elsewhere. Democracies don't attack each other..."¹⁰ The application of this line of thinking to the topic of forcible democratization is straightforward. If the existence of nondemocratic societies is what is keeping us from attaining a "durable peace," why shouldn't that fact alone justify intervention and political reconstruction? Since nondemocratic societies

are more likely to wage aggressive war, should not a war fought to advance democracy in those societies count as an instance of self-defense? The argument would go as follows. States likely to wage aggressive wars threaten the peaceful existence of democratic states. Wars of self-defense against aggression are just wars. The absence of democratic political institutions is what makes nondemocratic states more likely to wage aggressive wars. Therefore, the absence of democratic political institutions in a state constitutes a just cause for military intervention.

Of course it is probably impossible to find frank proponents of such a position in recent literature—so I may be accused of arguing against a straw man in this instance. But I do think that some such idea motivates the close association democratization and concerns over national security enjoy in current political discourse. Be that as it may, it is still important to present the conceptual landscape as clearly as possible, and starting with a position extreme enough to be nearly untenable has expository advantages. As may have already been noticed, the problem with the argument above is that a state likely to wage an aggressive war is not the same thing as a state already waging an aggressive war, or even the same thing as a state about to wage an aggressive war. The relevant distinction is that between preemptive and preventive self-defense. Richard Regan writes,

A nation need not wait until it is attacked to have just cause to use military force against a would-be aggressor...but the justice of a preemptive strike requires that the would-be victim nation have moral certitude about the hostile intentions of the putative would-be aggressor nation...¹¹

A *preemptive* attack is one in which the attacker—the state claiming self-defense—has “practical certainty,” or “no reasonable doubt” that they will be (or would otherwise be) the victim of attack by the other state. In other words, the mere likelihood that a state will attack at some point in the future is not enough to justify military engagement, and as Regan notes, “the more remote

¹⁰ *New York Times*, 26 January 1994, cited in Light, *Exporting Democracy*.

the threat, the more the opportunity to seek redress by means short of war.”¹² *Preventive* attacks (or wars) would be those that proceed without practical certainty.

Why prohibit preventive war? Regan argues that the destabilization of a relatively peaceful status quo is as disturbed by a preemptive attack as it is by outright aggression. Therefore, such attacks in the name of self-defense require near-certain rationales.¹³ A.J. Coates, on the other hand, stresses the fact that any normative standard which would justify war “in the absence of immediate and direct threat” is open to abuse, since even the “mere growth in the power of a state” could be interpreted as a threat by rivals concerned to maintain the balance of the present system.¹⁴ Jeff McMahan has recently stressed the fact that preventive attacks target states that have not yet done anything to make them liable to attack.¹⁵ Regan’s requirement of practical certainty suggests that a state contemplating preemptive strike amass considerable evidence of the target’s aggressive behavior—but in preventive war this evidence is scant or absent entirely. There is a further reason to reject theories that allow preventive wars to be just. Since so little evidence is needed to justify such a war, any conflict between two states that publicly adopted a policy of preventive war would almost certainly escalate to full-scale war. Consider the following scenario. Both State D and State E know that the other is prone to go to war with little or no real provocation. D knows that E quite possibly considers D a threat to it and reasons that E may attack on those grounds. D therefore perceives E to be a threat. State E naturally has the same concerns about D. Since each state has a policy of preventive war, knows the other has such a policy, perceives the other to be a threat, and reasons that the other perceives

¹¹ Regan 51-52.

¹² Regan 51.

¹³ Regan 51-52.

¹⁴ Coates 159-60.

¹⁵ McMahan, presenting at the *Democracy and Global Justice* conference, Washington University-St. Louis, Spring 2005.

it to be a threat, war becomes a matter of when, and not if. For all of these reasons, no preventive war can be just.

A military intervention that perceived a just cause in the conjunction of the democratic-peace hypothesis and the fact that the target state lacks democratic political institutions would be a clear case of preventive war. Nondemocratic states do not present an imminent threat simply because they are not democratic. The democratic-peace hypothesis does not license the conclusion that it is “only a matter of time” before any one nondemocratic state attacks. And if it did, the remoteness of that possibility merely makes the use of diplomacy and methods of international persuasion besides force more pressing, as Regan points out. In the context of forcible democratization, the case against preventive war can be put into stark relief by considering the existence of what Rawls calls “decent hierarchical peoples.” Such a society is non-aggressive, respects the most basic of its citizens’ human rights, honors international law, and yet is not governed by democratic political institutions.¹⁶ Of course it is doubtful that any society has been a shining example of such decency, in the same way that there has never been a perfect instance of Rawlsian liberalism, either. But there have been many peaceful, “well-ordered,” stable, and nondemocratic societies throughout history, and the ideal is certainly not conceptually impossible. My point is that even if the ideal decent hierarchy were somewhere to be found, the present argument for forcible democratization would claim that the absence of democratic government in this state constitutes a just cause for war against it. It is difficult to see how such a war could fail to be aggressive by any standard; the consideration of this example, I think, most clearly demonstrates that the proposed argument for forcible democratization is indefensible.

¹⁶ Rawls 59-68.

We have seen why the just-cause arguments based on the democratic peace hypothesis are unsuccessful: they sanction preventive war, that is, war to avert a supposed but uncertain threat presented by nondemocratic states. The just-cause version of the human rights argument makes a stronger case for forcible democratization, since it does not commit this obvious fault. But as we shall see, it has other serious problems that cast doubt on its soundness. The argument starts from the accepted premise that, *ceteris paribus*, a war in defense of socially basic human rights is a just war—which implies that a state’s violation of its citizen’s basic human rights is a just cause for military intervention. This is almost always qualified by saying that the violations must be “massive” in order to justify intervention, since interventions are often protracted, bloody affairs, and the condition of proportionality requires that the resort to war have high moral payoffs. It is usually left unclear whether the term “massive” is meant to refer to the ubiquity or intensity of the violations, or relative importance of the rights being violated, or all three. Theorists also frequently sidestep the question of which of rights are human rights, and which human rights are socially basic enough to warrant intervention, given widespread and ongoing violation. Genocide, in which the state systematically murders large numbers of innocent people, is generally regarded as the most straightforward case in which intervention is justified—so much so that the question has become whether intervention in cases of genocide is morally obligatory rather than merely permissible. On the other side of the spectrum of cases, the occasional lapse of acceptable procedures of domestic law enforcement, like rough treatment of criminals or falsification of evidence, would not license intervention. Fortunately, the purposes of my paper do not require a full account of human rights in order to draw a rough line between the most important, basic human rights, and the others.

But the promotion of democracy and the protection of other people's human rights are so frequently linked in the rhetoric surrounding military humanitarian intervention that we will need to say something about this line. Unlike the democratic peace argument, the human rights argument for forcible democratization has explicit proponents. However, the connection between democracy and human rights in particular arguments is often left unclear. For example, in an article by Tony Smith, the two are unfailingly referred to as "democracy and human rights," as though they were identical concepts, or perhaps entailed each other.¹⁷ This identification makes it difficult to determine whether what is being offered is a just-cause or a just-end argument for forcible democratization. I must therefore rely on reconstructions of the possible arguments.

The just-cause version appears to go something like this. Access to just and/or legitimate political institutions is a socially basic human right. The only just and/or legitimate political institutions are democratic. Therefore, the absence of democracy in a state constitutes a widespread and ongoing violation of a socially basic human right. Massive human rights violations are a just cause for military intervention. It follows that the absence of democratic political institutions is a just cause for military intervention. Here, the question of whether or not democracy is a human right is secondary to whether it is a *basic* human right, since only violations of basic human rights can constitute a just cause. Allen Buchanan provides three arguments for thinking that international law ought to require that state have democratic political institutions:

The first provides support for the conclusion that democratic governance is a human right properly speaking by grounding democracy in equal consideration for persons. The second, instrumental argument, contends that democracy ought to be required of governments because democratic governance is the most reliable way of ensuring that human rights properly speaking are respected. The third

¹⁷ Smith, *Good Smart or Bad Samaritan: A Case for U.S. Military Intervention for Democracy and Human Rights*.

holds that only if governments are democratic is it appropriate to treat them as agents of their peoples and hence as legitimate.¹⁸

He goes on to argue that together, these three arguments “provide strong support for recognizing the right to democratic governance as a basic human right under international law.”¹⁹ Coupled with his claim that we have an obligation to protect the human rights of other people, and the obvious fact that military intervention may be the only way to do this, we have here a case for forcible democratization. (I should point out that Buchanan does not make this argument explicitly in his book.) The second argument, that democracy is instrumentally valuable to the protection of other human rights, is more germane to a just-end argument, which I discuss below.

As for the other two arguments, I am prepared to grant the claim that democratic governance is a human right on the grounds Buchanan proposes. While in theory other political systems may treat persons with a greater degree of equality, I am at least open to the idea that democracy is the best way of doing so in practice. And insofar as the consent of the governed confers legitimacy on the government, I think that democratic political systems best exemplify that ideal. However, as I said above, the question is not whether access to democratic governance is or is not a human right. The question is whether it is an important enough right to justify the suffering and death that would be caused by military intervention. Buchanan allows wide latitude in the relative importance of different human rights, even between what he calls the basic human rights, and it is difficult to know where he would place democratic governance if he had to prioritize them. Rawls provides a suitable contrast. On his view, basic human rights are the only human rights, and these are limited to “a special class of urgent rights, such as freedom

¹⁸ Buchanan 142-43.

¹⁹ Buchanan 145.

from slavery and serfdom, liberty (but not equal liberty) of conscience, and security of ethnic groups from mass murder and genocide.”²⁰

Rawls’ spartan list of human rights has drawn no little criticism, because he seems to deny that humans in illiberal societies have any entitlement at all to other rights. But whether or not that is true, I think a shorter list is appropriate when it is used as a catalog of potential just causes for military intervention. It is difficult to find a principled argument for this claim, since that seems to presuppose a metric that would make the long-term effects of the absence of democracy commensurate with those of war and political reconstruction. But Walzer persuades me when he writes that

Humanitarian intervention is justified when it is a response (with reasonable expectations of success) to acts ‘that shock the moral conscience of mankind.’ The old-fashioned language seems to me exactly right...The reference is to the moral convictions of ordinary men and women, acquired in the course of their everyday activities.²¹

It is not that the absence of democracy is not a bad thing. But I doubt very much that it is terrible enough to justify war—to arouse our moral indignation in the way that genocide does. It is not simply a matter of degree. According to Buchanan, basic human rights are “rights whose violation poses the most serious threat to the individual’s chances of living a decent life.”²² It may be fair to say that the absence of democratic political institutions undermines human flourishing to some extent. But to say the same about genocide and ethnic cleansing makes a mockery of that criterion. On the morbidly grand scale of human atrocities, nondemocratic political institutions fall far short of the more terrible end—disturbing or dreadful they may be, but they are not shocking.

²⁰ Rawls 79.

²¹ Walzer 107.

²² Buchanan 129.

4. *Just-End Arguments for Forcible Democratization*

I turn now to just-end arguments for forcible democratization. The just ends of a military intervention are those ends at which an intervention legitimately aims. The difficulty here is that which ends are necessary to terminate the conditions that provide just cause depends greatly on specific circumstances. But since we are concerned primarily with two conclusions only—that political reconstruction may be a just end of an intervention, and that specifically democratic political reconstruction may be justified as well—a full theory of *jus post bellum* will not be necessary. In what follows, I argue against a presumption in favor of political reconstruction, and against a presumption in favor of specifically democratic political reconstruction. Post-intervention democratization should be reserved for those cases in which democratization is possible and clearly desired by the people of the target state.

As with just-cause arguments, the most plausible just-end arguments for forcible democratization rely on the democratic peace hypothesis and on human rights. But just-end arguments do not need to show that democratization justifies military intervention. They only need to show that whatever did provide just cause must or might be remedied by democracy. On these views, we are to tolerate the existence of nondemocratic regimes so long as they do not attack other states, and so long as they respect the human rights of their citizens. But once these lines have been crossed, the state loses any right it may have had to nondemocratic governance. The phrase, “must or might be remedied by democracy,” indicates two possible versions of just-end arguments. First are the strong arguments, which claim that post-intervention democratization is the only feasible way to protect a state’s people from their government, or to protect other states from aggression. Second are the moderate arguments. These claim that

democratization is not the only way to establish a peaceful state, but that it is justified under certain conditions.

The first thing to note about post-conflict democratization is that, as a form of political reconstruction, it requires the partial or complete destruction of the target state's old political system. A number of theorists have commented on why wars aiming at this end are problematic. Walzer, for instance, says that the kind of political reconstruction performed in Germany after World War II was an exception to a general rule against such endeavors. He writes that “the *outer limit* of what can legitimately be sought in war...is the conquest and political reconstruction of the enemy state, and only against an enemy like Nazism can it possibly be right to reach that far.”²³ As Gary Bass explains, “If political transformation of the enemy is the objective of a war, then that war will likely be a *total war*, for one cannot remake a country unless one has taken it over militarily.”²⁴ Proponents of forcible democratization may not balk at the thought of total war—after all, once a stable democracy is in place years of peace and prosperity will make up for the unavoidable horrors of an extended intervention. But if there is a real chance that aggression or human rights violations can be halted without approaching this outer limit, the presumption should be against complete conquest and political reconstruction. Walzer is right to think that these measures are only justified “when the threat is in no sense accidental or transitory but is inherent in the very nature of the regime.”²⁵

The second problem with post-conflict democratization is that it is not always possible. For a variety of historical, political, and economic reasons, the conversion of a nondemocratic society into a functioning democracy poses enormous challenges. Von Hippel's book is a sustained reflection on the fact that this will often be due to the interveners themselves. Poor

²³ Walzer 113, my emphasis.

²⁴ Bass 392, my emphasis.

coordination and planning, lack of cooperation between different departments, ignorance or disinterest about a target state's cultural background and social structure, lack of public support, and of course inadequate funding have all played a part in past failures. Overemphasis on these factors encourages the notion that the reasons democratization is so difficult will diminish as our expertise in social engineering grows. But this ignores the fact that some peoples are deeply illiberal, and whose cohesion as a political community depends on religious and cultural institutions that cannot accommodate democracy. Leaving aside the normative issues surrounding the expansion of liberal democratic ideology, the practical problems here are obvious. Even a people liberated from brutal dictatorships by a just military intervention may come to resent their rescuers if they feel that foreign values are being forced on them by an occupying army. General hostility toward attempts at democratization may give rise to insurgencies, which will make those attempts all the more difficult.

The obstacles to democratization in many if not most nondemocratic regions of the world, coupled with the presumption against political reconstruction, puts great strain on strong just-end arguments. Mervyn Frost's paper "The ethics of humanitarian intervention: protecting civilians to make democratic citizenship possible" is a suitable example. As the essay's title suggests, Frost argues that not only is democratization a just end of military interventions, it is a *necessary* end. He writes,

The aim is not to defeat an enemy, but to prevent aggression against the domains of freedom of individuals... Civilians only become fully free once they have established themselves as citizens in democracies. Interveners must, therefore, always aim to facilitate the creation of democracies. How many democracies there are to be in a given area is for the civilians themselves to decide, not the intervening actors. Facilitating the emergence of a democracy is quite different to imposing a democratic form on an unwilling people.²⁶

²⁵ Walzer 113.

²⁶ Frost 53.

Earlier in the paper, Frost states that an oppressed people must request intervention, unless they are literally incapable of doing so. In that case, “those contemplating intervention must take whatever steps are necessary to determine whether, in the absence of such oppression, the people concerned might request intervention.”²⁷ What makes Frost’s position unique is that on his view, whether or not an intervention should take place is made to depend upon whether the victims of human rights violations want democratic government. Victims of genocide, for example, would be offered a Hobson’s choice between foregoing their right to political self-determination on the one hand, and annihilation on the other. The only way to avoid this conclusion would be to assume what is manifestly false, i.e., that all persons want to be “fully free” in the liberal democratic sense of that phrase.

But that aside, his central argument appears to be that interveners are obligated to help make the oppressed “fully free,” and that persons are only fully free when they are citizens in a democratic state. Therefore, a just and necessary end of all interventions is democratization. One of Frost’s strategies in this paper is to paint a relatively benign view of military interventions by repudiating just war language like “war,” “enemy,” and “victory,” and adopting a gentler rhetorical stance, for instance, by referring to military interventions as “police action[s] within ‘our’ global community.”²⁸ But this is profoundly at odds with the consequences of his conclusion. The claim that democratization is a necessary end of all interventions would license a total war in each and every case, even when a very minor incursion might be all that is required to stop aggression or human rights violations. The primary ends of any intervention should be the termination of whatever conditions provided a just cause in the first place. But any strong just-end argument for forcible democratization must be as permissive as Frost’s view. So long as

²⁷ Frost 52 & n. 18.

²⁸ Frost 53.

full-scale democratic political reconstruction is thought to be the only appropriate response to human rights violations and aggression, proponents are committed to this kind of drastic and militant overreaction.

Strong just-end arguments for forcible democratization are even less plausible when based on the democratic peace hypothesis. Bass writes, “One does not have to completely change an enemy country’s domestic arrangements in order to make sure it will not attack again. By winning the war, one has already attrited the enemy state’s capabilities, so its intentions are quite likely of secondary concern.”²⁹ Demilitarization, weapons inspections, post-war treaties, and the removal of war criminals may be enough to ensure that aggression does not resume for a long time. But perhaps, it might be urged, the goal is to create a permanently peaceful state. In that case, political reconstruction, and specifically democratic reconstruction, is essential, since democracies are less likely to be aggressive. But as we saw in the just-cause version of this argument, it is not as though there is a necessary connection between democracy and non-aggression. And as Doron and Sened point out, much of the literature surrounding the democratic peace hypothesis does not consider dynamic effects, so it fails to notice that, after a time, democracies may evolve into nondemocracies anyway.³⁰ Regardless, the existence of peaceful nondemocratic states at least demonstrates that reforms short of complete political reconstruction may suffice. An account that prefers a total war for the purpose of democratization to these less comprehensive changes must be rejected.

Moderate just-end arguments for forcible democratization admit that some forms of nondemocratic government may be capable of protecting the human rights of their citizens and can refrain from aggression. This means that military interventions in nondemocratic states need

²⁹ Bass 393-94.

³⁰ Doron and Sened 143-46.

not aim at political reconstruction. Furthermore, such arguments also allow that even in cases where political reconstruction is necessary, i.e., where aggression and/or human rights violations are “inherent in the very nature of the regime,” political reform need not proceed on the assumption that democracy is the only desirable result. In other words, moderate just-end arguments claim that, given certain circumstances, post-conflict democratization is permissible. In order to dispute this proposition, one of several very plausible assumptions would need to be challenged. First, one could challenge what I have assumed from the start: that some interventions are just. But the purpose of my paper is not to counter pacifism or isolationism, and strong cases for the moral justification of military intervention have been made elsewhere, so I will pass over this objection.

Second, one might argue that only limited interventions are just, and that the destruction of an existing political regime is *never* justified. This appears to be what Mill had in mind when he argued that a change in political institutions ought only to be brought about by the people living under them. But as I have said, this grossly underestimates the power of the modern state, and neglects the fact that minorities can fall victim to the oppressive policies of governments most of the people in that state support. It might also be argued that the objectionable tendencies of certain regimes can never be “inherent” in the sense Walzer thinks would justify political eradication. Perhaps, it might be thought, it will be necessary—at most—to remove certain individuals from power and replace them with less despicable officials. But it is not difficult to imagine that an intervention could fail to pacify a totalitarian state with a history of genocide or aggression by simply removing key personnel. States and other organizations tend to develop internal norms and methods that survive the removal of specific players.³¹ It is hard enough to change the prevailing culture in any large organization, and in many cases the successful

functioning of the organization depends entirely on an implicit and shared understanding of those internal norms. Governments are no different, and at this point we do not have an adequate understanding of how gut them of malevolent cultures while at the same time preserving their ability to perform state functions. In a case like Nazi Germany, the best response is to start over, and rebuild entirely new political institutions from the ground up.

Finally, even if some interventions are justified, and some subset of these interventions are justified in collapsing an existing regime and rebuilding a new one, it might be argued that democracy is never an appropriate form for the replacement. Given the post-World War II success of democratization in Germany, it is no longer possible to claim that stable democracies must evolve naturally out of other forms of government. Of course, one might still claim that democracy is objectionable for other normative or pragmatic reasons. But my task has not been to justify the legitimacy of democracy as a whole, and many compelling defenses are available in the literature of economics, political science, and philosophy. So given that interventions are sometimes justified, and are sometimes justified in politically reconstructing the target state, and are justified in democratizing that state under certain conditions, the only remaining question is, what are those conditions?

In short, post-intervention democratization is justified only if the people in the target state want it. There are practical and normative reasons for this. Practically speaking, if a people do not want democratic political institutions and would prefer some nondemocratic arrangement, for whatever reason, it will be almost if not entirely impossible to put democratic structures in place. Democracies—functioning and genuine democracies, at any rate—require citizens who believe in the worth of democracy. As Michael Blake puts this point in terms of liberalism, outside interventions that aim to establish not only political institutions, but also the norms necessary to

³¹ See Miller's *Managerial Dilemmas* for a good discussion of this phenomenon.

uphold them, will “in many cases...prove counter-productive. The perception of condescension and humiliation may well create more support for the local despot, rather than less.”³² After the “local despot” has been removed forcibly, resentment over occupation may be channeled into a repudiation of whatever foreign political institutions an intervening force is most hoping to establish. The leaders of political reconstruction should not sabotage their own efforts at creating a stable government by insisting on arrangements the people do not want.

Normatively speaking, reconstruction has the obligation to respect a people’s right to self-determination. Proponents of forcible democratization frequently call such interventions “liberation.” But to saddle a defeated nation with a political system it does not want is to subject them to a different (though perhaps more benign) form of domination. An intervening power that removes a bad government does not thereby acquire any moral right to dictate terms regarding domestic political arrangements. Intervention forces should view their primary roles in political reconstruction to be those of providing a stable backdrop against which leaders in the society can begin to form the new government, and to provide guidance and assistance where required. While there is room for discussion and persuasion, there should be no presumption in favor of democratization. The establishment of democracy in a post-conflict state is only a just-end when it embodies the people’s will.

5. Conclusion

In the preceding, I have tried to clarify the conceptual issues surrounding forcible democratization. I have put forward and rejected arguments to the conclusion that the absence of democracy constitutes a just cause for military intervention, either because democratization would increase the safety of the international community against aggression, or would increase

³² Blake 67.

the safety of people living within the target state. Then, I examined arguments that claim that even if the absence of democracy in a state does not itself justify military intervention, democratization must or might still be a just end of military intervention. I rejected arguments that democratization is always a just end, in favor of the claim that post-intervention democratization is only justified when it is both possible and respects a people's right to self-determination. I have largely avoided the empirical questions of what preconditions are necessary to make democracy possible, and have neglected entirely the question of how a people's political will is to be ascertained in the absence of a government. These are important questions, since they are the key considerations in determining whether or not an instance of forcible democratization is morally justified, and I regret leaving them unanswered. Nonetheless, I hope to have provided a useful analysis of a rationale for military intervention that has far too often been ambiguous in the rhetoric of politicians calling for war.

Works Cited

- Bass, Gary J. “Jus Post Bellum,” *Philosophy and Public Affairs* 32 (2004), no. 4. pp. 384-412.
- Blake, Michael. “Reciprocity, stability, and intervention: the ethics of disequilibrium,” in *Ethics and Foreign Intervention*, Chatterjee and Scheid eds. (Cambridge University Press: 2003)
- Brown, Christopher. “International Affairs,” in *A Companion to Contemporary Political Philosophy*, Goodin and Pettit eds. (Blackwell Publishing: 1995). pp. 515-526, esp. 518-19.
- Buchanan, Allen. *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*. (Oxford University Press: 2005)
- Coates, A.J. *The Ethics of War*. (Manchester University Press: 1997)
- Doron, Gideon and Itai Sened. *Political Bargaining: Theory, Practice, and Process*. (London: Sage Publications: 2001)
- Frost, Mervyn. “The ethics of humanitarian intervention: protecting civilians to make democratic citizenship possible,” in *Ethics and Foreign Policy*, Smith and Light eds. (Cambridge University Press: 2001), pp. 33-54.
- Light, Margot. “Exporting Democracy,” in *Ethics and Foreign Policy*, Smith and Light eds. (Cambridge University Press: 2001), pp. 75-92.
- Luban, David. “Just War and Human Rights,” in *International Ethics: A Philosophy and Public Affairs Reader*, Beitz, Cohen, Scanlon, and Simmons eds. (Princeton University Press: 1985), pp. 195-216.
- Mill, John Stuart. “A Few Words on Non-intervention,” in *Dissertations and Discussions: Political, Philosophical and Historical, 2nd ed.*, v. III. (London: Longmans, Green, Reader, and Dyer: 1873), pp. 153-178.
- Miller, Gary. *Managerial Dilemmas: The Political Economy of Hierarchy*. (Cambridge University Press: 1992).
- Rawls, John. *The Law of Peoples, with “The Idea of Public Reason Revisited*. (Harvard University Press: 1999)
- Regan, Richard. *Just War: Principles and Cases*. (The Catholic University of America Press: 1996)
- Smith, Tony. “Good, Smart, or Bad Samaritan: A Case for U.S. Military Intervention for Democracy and Human Rights,” in *The Use of Force after the Cold War*. (Texas A&M University Press: 2000)
- von Hippel, Karin. *Democracy by Force*. (Cambridge University Press: 2000)
- Walzer, Michael. *Just and Unjust Wars, 3rd ed.* (Basic Books: 1977)