

Democracy, Prudence, Intervention

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This essay explores tensions between just war theory and democratic theory.

A popular version of just war theory embraces the following cluster of ideas about the legitimacy of one nation’s intervention into another. Nations should not intervene for *national welfare reasons*: they should not intervene in preemptive self-defense, or to prevent a growing threat to national security, or for any other national welfare enhancement reason (territorial aggrandizement, etc.), except when acting in self-defense from an actual (or perhaps imminent) armed attack. Interventions for *humanitarian reasons*, by contrast, are sometimes justified. Interventions that are genuinely motivated by other-regarding humanitarian concerns may be technically illegal, but they are nonetheless legitimate when done to halt massive human rights abuses.

A notable characteristic of this argument is that is so often at odds with what actually happens. Nations sometimes intervene to enhance national welfare, but rarely if ever to stop human rights abuses. To understand why, we must consider something that just war theory ignores, or attenuates: the perspective of and constraints upon national leaders who decide how nations act on the international stage. National leaders – and especially leaders in democracies – have moral and legal duties, and identities, that are sometimes at cross-purposes with just war theory. These duties and identities make it very hard for such leaders to engage in costly humanitarian intervention, but sometimes

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permit, and even demand, that they engage in interventions (including preemptive and preventive interventions) to enhance, or preserve, national welfare. After explaining why this is so, I analyze normative implications.

I. Democracies and Humanitarian Intervention

Liberal democracies rarely if ever engage in humanitarian interventions to stop human rights abuses that lack a local-welfare-enhancing justification. I will first explain the obstacles to humanitarian intervention on the assumption that democratic leaders are agents of voters, and then will relax this assumption and consider the problem from a more realistic perspective.

A. Leaders as Agents

Humanitarian interventions are rare because voters do not generally support humanitarian interventions. Even when opinion polls show support for some types of humanitarian intervention, voter preferences for intervention are not intense, are conditioned on guarantees of success, and do not extend to humanitarian interventions that are costly in terms of blood and treasure. Leaders understand these points and act accordingly.

In a democracy, foreign policy must be justified on terms acceptable to voters. The theory of democratic foreign policy is that voters will throw out politicians who deviate too far from their foreign policy preferences. Political leaders who care about re-election and party dominance cannot easily engage in foreign policy acts (especially war)

much beyond what voters or interest groups will support. Democratic checks reduce the agency costs of war, ensuring that wars are fought only with the support of, and thus presumably in the interest of, voters. This is essentially the argument that Kant offered as the basis for his predicted democratic peace. And it has become the primary normative cornerstone of the democratic peace thesis.

The tie between foreign policy action and voter preferences in democracies force national leaders to act prudentially in the following sense: leaders must premise international acts on an instrumental cost-benefit analysis, and the cost-benefit analysis must focus primarily on whether the international act will enhance or protect national welfare. Such a calculus obviously does not preclude other-regarding actions – think of American fighting in Europe during World War II and the invasion of Kuwait. But it does tend to limit such other-regarding actions to those that also enhance national welfare.

This is why democracies rarely if ever engage in humanitarian interventions. Despite millions of lives lost as a result of atrocities in the twentieth and early twenty-first centuries, despite decades of arguments by intellectual and policy elites urging humanitarian intervention, and despite CNN-covered atrocities in Rwanda, Bosnia, East Timor, Kosovo, and Sudan (among other places), citizens in democracies simply have not been willing to spend blood and treasure on humanitarian interventions that do not offer a national welfare-enhancement justification.

Political leaders and voters in democracies do sometimes support humanitarian interventions to relieve human suffering, especially starvation. (This is what happened early on in Somalia, though even that intervention had a strategic justification, and the

United States reversed course as soon as it suffered casualties.) But they do not support these interventions if they are expensive or threaten nontrivial losses of lives. This explains the West's long delay in intervening to stop the atrocities in Bosnia, and the eventual decision to do so with "pinprick" air attacks rather than ground troops. This is why the otherwise-internationalist Clinton administration pulled out of Somalia when Americans began to suffer casualties, and why the West declined to intervene in Rwanda or Sudan.

And it is, I believe, the lesson of the Kosovo intervention. Humanitarian concerns were present and important there, to be sure. But preservation of NATO's credibility and the prevention of broader conflicts in central Europe were equally important public justifications. The Kosovo example shows that democracies can intervene to prevent atrocities when there is a coincident national welfare enhancement rationale. Even with a mixed strategic-humanitarian justification for intervention, NATO fighter pilots flew at high altitudes and took other (successful) casualty-avoiding steps, and the Clinton administration pre-committed not to use high-casualty ground troop operations.

The absence of democratic support is a fundamental check on humanitarian intervention by democracies. As David Luban writes:

In a democracy, the political support of citizens is a morally necessary condition for humanitarian intervention, not just a regrettable fact of life. If the folks back home reject the idea of altruistic wars, and think that wars should be fought only to promote a nation's own self-interest, rather narrowly conceived, then an otherwise-moral intervention may be politically illegitimate. If the folks back home will not tolerate even a single casualty in an altruistic war, then avoiding all casualties becomes a moral necessity.¹

¹ David Luban, *Intervention and Civilization: Some Unhappy Lessons of the Kosovo War*, in *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (de Greiff and Cronin eds. 2002).

These points are overlooked by the many theorists who insist on humanitarian intervention without regard to its lack of popular support.

B. Beyond the Agency Theory of Democratic Leadership

The analysis to this point assumes that leaders are agents of the voters, which they of course are not. Because of varying intensity of preferences, interest group politics, voter misinformation, and aggregation difficulties, among other reasons, there is often slack between voter preferences and leader action on the international stage. This slack theoretically permits leaders to act with cosmopolitan charity beyond what voters support. An important strand of democratic theory has always held that elected representatives should not be yoked to voter preferences, especially when voters are relatively uninformed. Leaders should exercise wisdom and judgment in deciding -- subject to electoral recall -- what is best for their constituents. They should educate and lead, not follow. They should shape constituent preferences, perhaps to reflect their more cosmopolitan outlook. And their capacity to do so is enhanced by the fact that the public pays relatively little attention to foreign affairs.

This conception of the democratic process does not, in my view, mean that leaders in democracies could engage in more generous acts of humanitarian intervention than the voters would support. Even political leaders with powerful cosmopolitan sentiments who are unworried about reelection hesitate to engage in costly altruistic acts abroad in the face of voter opposition.

One reason why leaders hesitate is that costly altruistic acts are by definition acts that are on the public radar screen. Voters know and care little about the details of

foreign aid or the maneuverings of State Department bureaucrats. But they know and care a lot about humanitarian intervention that might involve the loss of lives of co-nationals. In addition, whatever their personal sentiments, leaders have (and perceive themselves to have) a moral duty, in virtue of their election, their oath, and their identity, to promote the welfare of the nation and its citizens. The more fluid conception of democracy described above gives leaders discretion to identify what furthers constituents' interests. It does not permit leaders to impose significant local sacrifices for the sake of non-nationals beyond what can be justified in terms of local welfare-enhancement. Political leaders believe this and act accordingly.

One might respond that leaders might measure citizens' welfare not in terms of lives lost or security or wealth, but rather in moral or related terms. A leader might think that citizens should care more about suffering in other countries, and might believe that citizens' welfare would on balance be enhanced in some non-material sense by an intervention to save lives abroad, even if the intervention was economically and militarily costly. It is unlikely, in my view, that leaders (either in the United States or in other democracies) think this way. But even if they did, democracies still impose institutional constraints to action to prevent humanitarian intervention.

In the United States the President has broad independent foreign relations powers, and is not burdened by collective action problems to nearly the same degree as Congress. Moreover, the President has significant short-term discretion to use military forces abroad, and he usually receives a short-term “rally around the flag” effect. And yet the President cannot use these forces too far beyond the wishes of Congress (or the voters). The President is unambiguously accountable to the people, and, in any event, an

uncooperative legislature can still retaliate against the President and his domestic and foreign policy agenda via legislation, hearings, appointment hold-ups, defunding, and the like. In addition, any short-term, unilateral action the President takes is reversible by the people and their representatives in the medium term. This is precisely how foreign policy in a democracy is designed to work. And these factors weigh heavily against humanitarian interventions unsupported by the voters even when leaders are personally inclined to intervene.

This conclusion is consistent with political leaders having wide discretion to emphasize and act upon what they believe enhances national welfare, especially in the short term. The Clinton and Bush administrations interpreted and reacted differently to the Iraqi threat to national welfare, albeit in different contexts. Current events are full of examples of democratic leaders departing from apparent voter foreign policy preferences in the name of promoting a national welfare that leaders believe voters do not fully appreciate. Only time and election returns will tell whether the leaders' assessment of voters' interests was correct. My point is simply that the various mechanisms described above ensure that -- at least in the medium term and usually in the short term -- costly cosmopolitan action like humanitarian intervention is bounded by voter preferences and will be rare and hesitant.

II. Democracy and National Security Intervention

I have argued that democratic constitutions force national leaders to premise international acts on an instrumental cost-benefit analysis that focuses primarily on enhancing or protecting national welfare. This logic explains why there are few if any

purely humanitarian interventions. But the same logic sometimes counsels, or even requires, preemptive or preventive intervention for national security reasons.

The argument here is the flip side of the one above. With humanitarian interventions leaders decline to act because acting does not appear from the *ex ante* perspective to be cost-justified in national welfare terms. But when leaders face a growing threat from abroad, voters expect leaders to act to prevent the threat through what appears from the *ex ante* perspective to be cost-effective action. Sometimes this action will consist of non-military measures – changes in economic policy, reorganization of defense capabilities, the arming of allies, and the like. But sometimes preemptive or preventive action will entail military action. This is what Clinton did in Bosnia in 1995, Iraq, Sudan, and Afghanistan in 1998, and (I believe) in Kosovo in 1999. And it is what Bush did in Iraq in 2003.

The logic here is the same logic that explains the absence of humanitarian interventions. If leaders do not take steps to prevent a growing threat, and if the threat materializes and causes national harm, the leader will be blamed for not acting to have stopped the threat. (This is precisely what happened, for example, with the 9-11 Commission Report, and in general with criticisms of the Bush administration for not having done more to stop 9-11). The desire to win re-election, or to advance an agenda, or to secure party dominance, thus sometimes counsels in favor of national security interventions. And of course there is more to it than simply the electoral incentive. Leaders have, and perceive, a responsibility to protect the welfare of citizens. In the Executive branch this responsibility is most keenly felt. Identity thus reinforces the electoral incentive.

I am not suggesting that leaders deciding whether to intervene for national security reasons ignore international law, or the wishes and desires of the international community. Leaders take these considerations into account as part of the instrumental national welfare calculus that precedes a decision to intervene. But sometimes – as in the case of Kosovo in 1999, and of Iraq in 2003 – the potential costs of violating international law and of angering powerful countries do not outweigh the perceived national welfare benefits of intervention.

Nor am I suggesting that the prudential cost-benefit calculus that leaders in democracies must perform yields determinate results. Decisions must be made from the *ex ante* perspective, where the costs and benefits of action versus inaction are often incomplete and even in some respects unknowable. Different leaders with different political and ideological commitments and different attitudes toward risk will weigh these costs and benefits differently. One consequence is that leaders can make mistakes about the costs and benefits of intervention, and when these mistakes are apparent from the *ex post* perspective, leaders will be punished in the political process.

Here I should note two complications. First, I have assumed thus far that leaders' information and risk assessments and voters' information and risk assessments are aligned. But of course this is not always the case. Sometimes, leaders have information that leads them to view the risks of non-action in the face of threats to be greater than citizens, but (because of citizens' lack of support) are held back from acting as aggressively as they think the threat demands. (Roosevelt in the run-up to American participation in World War II is an example here.) And sometimes, leaders view the risks of non-action in the face of threats to be less than citizens do, but are pressured into

acting more aggressively than the threat appears to demand. (McKinley in the run-up to the Spanish-American war is an example.) The first scenario (where leaders think a threat is more significant than voters) opens up the possibility that leaders might intervene abroad in the name of national welfare, at least in the short term, beyond what voters support. This is consistent with democratic theory and practice (Roosevelt’s “destroyers for bases” deal is an example), for leaders are acting on the basis of a prediction – eventually tested at the polls – of what the voters, with fuller information, would have wanted or would have viewed the national welfare to require. But it is dangerous possibility nonetheless from the perspective of democratic theory.

The second and related complication concerns secrecy. Sometimes the information asymmetry between leaders and voters will result from leaders’ need to keep intelligence sources and activities out of the public realm. And sometimes leaders will engage in a national security intervention abroad on the basis of information not disclosable to the public, and sometimes even the intervention itself will not be public. An example is Clinton’s authorization in 1998 for the CIA to work with Afghan tribal elements to capture and if necessary kill Bin Laden in Afghanistan. Failing to disclose national security information and even national security interventions to the public might sometimes be necessary. Few (I think) would criticize Clinton for what he did, But the practice is not obviously consistent with democratic theory, especially if the information and action are not disclosed even after the action takes place, and in time for the next election.

Even with these caveats, the basic point remains: the same logic of democratic accountability to voters, and responsibility for their welfare, that causes leaders in

democracies not to intervene for purely humanitarian reasons also sometimes leads them to intervene preventively for national security or national welfare reasons.

III. Normative Issues

I conclude that the national welfare perspective from which leaders in democracies act, and the just war perspective outlined in the introduction, can create conflicting obligations. Assuming that the just war perspective is legitimate (something I have not here argued for), what should national leaders do in the face of such conflicting obligations? There are at least three possibilities.

The first is that leaders should discount national welfare concerns and act on the basis of global welfare. This position is unconvincing, except possibly in cases where global welfare benefits are extremely high and national welfare costs are low (perhaps Somalia early-on is an example). It is unconvincing because it is so unrealistic, and so at odds with widely embraced assumptions about democratic theory.

The second is that there is an unavoidable clash of obligations created by equally legitimate but unavoidably incompatible ethical perspectives. Just war theory demands that national leaders do things that are illegitimate from the domestic perspective.

The third is that leaders in democracies should act on the basis of national welfare and not global welfare. One way to view this as the morally appropriate action for democratic leaders is to view the commands of the just war perspective as limited by the realities of the domestic welfare perspective. Ought implies can, and there are some things that leaders in democracies cannot do – including intervening when voters and the national welfare generally do not support intervention, or not intervening when voters or

the national welfare demand it. Since in truth leaders have more discretion to decide not to intervene than to intervene, this argument is more powerful with respect to humanitarian interventions.