National University of Political Studies and Public Administration

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DOCTORAL DISSERTATION

Humanitarian Intervention and Sovereign Orders
The Republican Road Not Taken

(SUMMARY)

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Research context

It is hard to find two concepts harder to reconcile, both in practice and theory, than humanitarian intervention, a concept based on „ethical universalism" aiming to protect human rights across borders, and sovereignty, a project of order based on „territorial particularism"[1]. Trying to reconcile the idea of using force to protect human rights with the sovereign integrity of states is still at the forefront of debates in international forums, academic journals, and political groups. Both the principle of sovereign integrity and that of the non-use of force are stipulated in the UN Charter, yet their observance has been honored in their breach. Humanitarian intervention is one instance in which both are challenged while seeking to reaffirm their sacredness[2]. The practice of humanitarian intervention has a built-in dose of restraint, as the set of human rights norms based on which it is justified construct the breach of sovereignty as legitimate but only limited to a mandate to enforce the protection of human rights. At the same time, it is an exception to the principle of the „non-use of force" as long as it seeks to avoid becoming a threat to international peace and security.

There are instances in which the simultaneous affirmation of the „moral authority of human rights"[3] and the sovereignty of the states becomes challenging. This clash can be sorted out by giving primacy to one of the two principles. In situations in which there is an abuse of sovereignty and human rights are massively violated, „the norms enshrined in global culture and their implementation in international law prioritize protecting individuals over state self-determination, which legitimizes the international community to engage in military intervention as a means of

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[1] Christian Reus-Smit, "Human Rights and the Social Construction of Sovereignty," *Review of International Studies* 27 (2001): 520.

[2] Dominik Zaum, *The Sovereignty Paradox. The Norms and Politics of International Statebuilding* (Oxford: Oxford University Press, 2007).

[3] Michael A. Elliott, "Human Rights and the Triumph of the Individual in World Culture," *Cultural Sociology* 1, no. 3 (2007): 343.

safeguarding individuals"[4]. On the other hand, state sovereignty is seen as sacrosanct and its preservation is seen as an essential prerequisite of order[5]. Sovereignty, as a „form of organized authority and power"[6] has become „the doctrinal counterpart of the application of single-point perspectival forms to the spatial organization of politics"[7], and this has led many scholars who were astounded on defending it on a „Westphalian blind alley"[8]. It is indeed difficult to explain, let alone reconcile, the practice of humanitarian intervention with a conception of sovereignty understood as political authority that is bundled, unitary, and absolute[9].

Sovereignty remains a *grundnorm* of international relations, a normative foundation on which political life rests[10]. The concept of sovereignty was developed in 16th century France by Jean Bodin[11] based on the predicament that social order could only be ensured by absolute and unlimited power concentrated in a sovereign, a view that was further refined in 17th century England by Thomas Hobbes[12] and became an almost uncontested principle, even though the

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[4] Jürgen Gerhards, Lukas Antoine, and Rasmus Ollroge, "State Sovereignty and the Protection of Human Rights. How Military Humanitarian Intervention Is Supported by Citizens Around the World," *International Journal of Sociology* 54, no. 3 (2024): 155.

[5] Steven Lee, "A Puzzle of Sovereignty," *California Western International Law Journal* 27, no. 2 (1997): 244.

[6] Aleksandra Spalińska, "New Medievalism (Re)Appraised Framing Heterarchy in World Politics," in *Heterarchy in World Politics*, ed. Philip G. Cerny, 1st ed. (New York, NY: Routledge, 2023), 136.

[7] John Gerard Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47, no. 1 (Winter 1993): 159.

[8] Darel Paul, "Sovereignty, Survival and the Westphalian Blind Alley in International Relations," *Review of International Studies* 25, no. 2 (April 1999): 217–31, https://doi.org/10.1017/S026021059900217X.

[9] Robert Jackson, "Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape," *Political Studies*, no. XLVII (1999): 431–56.

[10] Jackson, 432.

[11] Jean Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, ed. and trans. Julian H. Franklin, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1992).

[12] Thomas Hobbes, *Leviathan, or, The Matter, Forme, and Power of a Common-Wealth, Ecclesiasticall and civilL* (London: Green Dragon in St. Pauls Church-yard, 1651), https://socialsciences.mcmaster.ca/econ/ugcm/3ll3/hobbes/Leviathan.pdf.

prerequisite of order[13] did not require absolute power unified in an uncontested center[14]. The idea of sovereignty as absolute power did not evolve as an uncontested principle of political organization, as even in the 17th century, scholars like Samuel Pufendorf theorized about composite polities[15]. Human rights norms have also gained an important status in international affairs, and a fertile ground for the competition between two norms is the terrain of legitimacy, which implies „willingness to comply with rules or to accept a political order even if this goes against specific interests at specific times"[16].

Research gap

The main theoretical traditions in IR fail to adequately deal with the complex overlap of the material and normative frameworks that could explain the complex duality yet coexistence of humanitarian intervention and sovereignty. Realism brings a hard statist perspective and dismisses the practice altogether despite unconvincing arguments to the contrary[17], while liberalism confiscated the moralist argument altogether, entangling it in arguments that fail to explain how human rights norms and the principle of sovereignty can coexist by taking both for granted. Liberalism seems to accept both the principle of non-interference and the morality inherent in humanitarian interventionism. Constructivist accounts focus either on the idea of sovereignty as a

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[13] An incursion into the study of social order "beyond the state" uncovers a multitude of actors that challenge, some with success, the state's monopoly on the provision of order and goods, with an intent not to replace it, but to subvert it, including by aiming at the moral basis of legitimate authority claimed by the state. For an overview of how armed groups and other non-state actors follow this endeavor, see Andrei Miroiu, *Political Theory of Armed Groups. Social Order and Armed Groups*, Springer Briefs in Political Science (Cham, Switzerland: Springer Nature Switzerland, 2020), https://doi.org/10.1007/978-3-030-51012-1. and Daniel Biro, "State-Failure or Polity-Creation? World Politics beyond State-Centrism" (PhD thesis, ANU, Canberra, 2010)..

[14] Lee, "A Puzzle of Sovereignty."

[15] Samuel Pufendorf, *The Present State of Germany*, trans. Edmund Bohun and Michael Seidler (Indianapolis, Indiana: Liberty Fund, 2007).

[16] Andrew Hurrell, "Legitimacy and the Use of Force: Can the Circle Be Squared?," *Review of International Studies* 31 (2005): 16.

[17] Daniel Fiott, "Realist Thought and Humanitarian Intervention," *The International History Review* 35, no. 4 (2013): 766–82.

social concept[18] that can be compromised to have its empirical side strengthened[19] or on the normative fabric that justifies intervention and makes it legitimate and compatible with human rights[20].

A significant part of the literature dedicated to the relation between sovereignty and humanitarian intervention focuses on explaining the normative developments that justified the use of force motivated by human norms[21], on the argument of a solidarist society of states, grounded in the just war tradition that was re-legitimized by the normative developments that took place after the 1990s[22] or on the morphism of sovereignty and its social construction informed by standards that define what legitimate state conduct is[23]. This later strand, to which this thesis aims to contribute, admits and looks into the tension between human rights norms and state sovereignty, considered as „two normative elements of a single, distinctly modern discourse about legitimate statehood"[24]. The protection of human rights, argues Reus-Smit, „is integral to the moral purpose of the modern state"[25]. This take refers more to the discourse of legitimate statehood and the basic tenets of sovereignty according to a particular normative framework.

Research objectives

This thesis aims to make inroads into reconciling different traditions that deal with sovereignty and the use of force to promote human rights. I aim to create a possible dialogue between ideas about individual freedom and morality affirmed within liberalism and a constructivist position that considers the influence of norms. By looking into arguments provided by classical republicanism on ideas like the mixed republic, constraints imposed through checks

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[18] Thomas J. Bierstecker and Cynthia Weber, eds., *State Sovereignty as Social Construct* (Cambridge, UK: Cambridge University Press, 1996), 1–4.

[19] Zaum, *The Sovereignty Paradox. The Norms and Politics of International Statebuilding*.

[20] Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*.

[21] Finnemore.

[22] Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*.

[23] Reus-Smit, "Human Rights and the Social Construction of Sovereignty," 2001.

[24] Reus-Smit, 520.

[25] Reus-Smit, 520.

and balances, but also informed by later developments within the tradition, that deal with the idea of freedom as non-domination and a transnational application of republican ideas about liberty, this thesis challenges both the statist positions on humanitarian intervention and those that embark on a deconstruction of the sovereign state.

To this aim, the main research question that guides this research is: What kind of order lies at the intersection between sovereignty and morality carried by force? Subsequently, this primary question leads to other secondary research questions: 1) How do human rights norms justify the use of force? and 2) How can the same norms uphold individual freedom by breaching state freedom? To test the empirical validity and application of the conceptual position advanced, the final chapter of the thesis looks into how mechanisms of normative restraint and individual freedom of republican descent can be identified in different historical periods.

Data Collection

I collected data from primary sources such as resolutions, treaties, accords, reports, public and press statements, and, in some cases, personal accounts such as memoirs, but mostly from secondary sources such as selected literature from academic journals and volumes. Given that the study will consider cases of humanitarian intervention from both the pre-and post-UN Charter periods, I will look into collections of documents that contain archival data for analyzing the 19th-century cases of humanitarian intervention, while for the Cold War and later cases, I will primarily employ UN documents like resolutions and reports. Given that the main purpose of this study is to highlight the role of norms and ideas in creating order that can obtain sovereignty to make sense of humanitarian intervention as an act of order contestation, I will largely dismiss quantitative collections of data and indicators. The study will also provide historical context and will use documents and texts of international law to highlight the role of norms and ideas in shaping conceptual history and in serving as sources of international law.

Research Method

To make relevant assumptions for the theoretical framework constructed in this study and to answer the questions addressed as part of the theoretical inquiry, I will look into different cases of humanitarian intervention from three distinct periods from the point of view of the normative background that could be employed as legitimizing ground for intervention. The study of empirical

cases employs a qualitative reading into UNSC Resolutions, diplomatic documents, reports, and secondary sources, which gave me a perspective on the evolution of the conceptual thinking about humanitarian intervention and its practice. The aim was to uncover normative ideas that embedded both morality and restraint. To this avail, the first consideration is given to ideas promoted in the 16th century by Monarchomachs (those who fight monarchs)[26], to see how ideas based on freedom from oppression began to develop at once with those dedicated to a concept of sovereignty as absolute. Cases from the 19th century will then be analyzed from the same perspective, considering the intervention in Greece in 1827, often cited as the first case of humanitarian intervention[27], in Mount Lebanon and Syria (1860), and Bulgaria (1877-1878). Even though many would argue that the practice of humanitarian intervention was muted during the Cold War and claims made on this ground were not considered legitimate[28], the thesis will consider cases that took place during the Cold War to show how the normative milieu of human rights survived and was even evoked in an attempt to make intervention legitimate. The interventions of India in East Pakistan (1871) and Vietnam in Cambodia (1978-1979) will be considered for this timeframe. Finally, the last part of the empirical chapter will consider cases that were branded under the umbrella of the „new humanitarianism" – the NATO interventions in Bosnia (1995), Kosovo (1999), and Libya (2011).

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[26] Heraclides and Dialla, *Humanitarian Intervention in the Long Nineteenth Century: Setting the Precedent*.

[27] Simms and Trim, *Humanitarian Intervention. A History*.

[28] Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*.

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