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## **Re-construction of Wellbeing?**

Values, Norms and Developing States' Contention against  
Humanitarian Intervention: Beyond an Institutional Accommodation?

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### 1. Introduction

#### 1.1. Fatal neglect

Humanitarian intervention as a controversial international phenomenon has caught central attention across national borders and disciplinary divisions. The ongoing discussion of rights and responsibility related to humanitarian intervention by and large bifurcates into two branches, in defence respectively of either the norm of state sovereignty and its corollary non-intervention, or the concern with human rights. Defenders of human rights claim that individuals are entitled, regardless of nationality or ethnicity, to fundamental human dignity. They argue that it is of ideal and altruistic nature for a third party to intervene in a sovereign state where there are massive violations of such entitlement (Wheeler 2000; Brown 2002). Some of them claim that a new norm of humanitarian intervention has been emerging. They engage a great deal of effort to seek justification from the voluminous and often-found inconsistent body of international treaties and conventions (Ramsbothan and Woodhouse 1996; Roberts 1994, 1996, and 2000; Sarooshi 1999). Others regret that the West has been too constrained in their efforts to protect human rights therefore more political and practical measures are necessary to sustain their

good will (Macfarlane 2001). By invoking the same ground on human rights, others seek to justify international legitimate military action by endorsing human rights as a moral demand (Teson 1997). A corollary of this argument is that humanitarian intervention is part of ethical foreign policy.

To this line of arguments partisans of state sovereignty vehemently disagree. They invoke in their defence the international norms of independence and equality regardless of territory size or political system. The contention resorting to sovereignty exists in developed world as much as in the developing world, yet it is the later that tends to cast greater suspicion, pointing to, for example the selectiveness on the developed agenda of humanitarian intervention. Arguments from this perspective generally manifest mistrust of the humanitarian claims. The charge is either that such claims are a smoke screen for the pursuit of selfish interests (Thurke 2002); or that they are unrealistic and beyond the capacity of the powerful (Best 1995). Followers of the sovereignty norm are suspicious of the human rights promise by pointing as evidence to cases such as French intervention in Rwanda and UN in Somalia. They contend that human rights claim is abused as a machination for major powers to realize their own geopolitical interests and that the weak states are being trampled down in the form of a neo-interventionism (Mayall 1996; Thurke 2002).

Still others have shown sophistication in taking side. For example, invoking human rights concern, some argue that military intervention can be justified if, and only if, there are such severe massive violations of basic rights that exceed a threshold; at the same time they suggest that the respect for the sovereign rights of states maintain a *central* place among the principles governing relations between states. In other words, they argue, humanitarian intervention should be considered only as an extraordinary exception, and should not be explicitly recognized as a right under international law (ICISS

Regional Roundtables London 2001).

As demonstrated in the practice as well as in these debates, all sides demand observation of international law; but disagree on when and what. International law in this case has simply provided a false ground for agreement. This muddle reveals the failure to reconcile the logical contradictions (non-intervention versus human rights) in international society, which is understood as a constitution of competing norms and rules defining actors' legitimate or desirable goals, and at the same time an institution lacking any authoritative resolve of conflicts (the anarchic state of international affairs) (Wight 1968; Bull 1977/1995; Philpott 2001).

This failure manifests that, beyond the usage of the term 'humanitarian intervention', which itself is an oxymoron or misnomer, the state practice and worldwide debates involving different starting points and goals and from various perspectives can not but add more complexity to any effort to draw upon a unified logic in understanding and explanation that can match the urgency and incidence considering the already pervaded dire consequences. That the recalcitrance to any systematic and persuasive analysis the set of questions concerning humanitarian intervention demonstrates has posed enormous challenge to the International Relations scholarship as well as others.

That it is particularly challenging for the IR scholarship can be understood as its overwhelming attention paid to one of the two logics of action characterising all social and political environments, namely, logics of expected consequences, the other being logics of appropriateness (March and Olsen 1989 and 1998). Logics of consequences will follow when there are multiple and contradictory roles and rules as well as obvious results expected from different actions. When these logics are at work, political action tends to be merely instrumental behaviour. When actors find themselves in a situation

where their roles, identities are well-defined and there are obvious rules to follow, logics of appropriateness will weigh heavily. In domestic as well as international levels, it can be contended that under certain circumstances one set of logics prevails the other. But in addressing the anarchic character of international society, international political scientists have overwhelmingly attended to the *goals* defined in international society (not the rules and norms that bind actors and regulate behaviour), hence to the consequence logics. A major task has been assigned to account for how rules and norms *operate*, rather than to trace how and why they have come about.

This diagnose is exemplified in the little effort made to attend the logics of appropriateness. As noted above, recent literature in humanitarian intervention has witnessed work examining the European/Western roots of international humanitarian law and to explore the law's present. Conflicts and contrasts in beliefs and values are observed that are manifested in the developed and the developing states' policies and rhetoric implications (Roberts 1994, 1996 and 1998). Unfortunately, however, there is no sign for any attempt to inquire 'whether, and if so, to what extent, these differences and conflicts of cultural values may explain the policy failures of the powerful?' In fact, sharp diagnoses of value conflicts that might have caused some, if not all, failings and selectiveness of humanitarian actions are obscured by conventional treatment focused solely on problem-solving. In the case of Persian Gulf (UNIKOM 1991), Cambodia (UNAMIC, 1991-2; UNTAC 1993), Somalia (UNOSOM I, 1992-3; UNOSOM II 1993), Rwanda (UNAMIR 1993), 'mainly small and/or developing states' are identified with contention against humanitarian intervention, but in the evaluation of their power of intervention, the powerful not only failed to explicate, but in fact sought to bypass, the contention (Roberts 1994: 19). Many seem to take it for granted that such actions are an application of a right of 'humanitarian intervention'. By overlooking at non-Western contention, it

may easily follow. It may prove however simply wishful to take intervention as a right if one looks into for example the draft resolution proposed by China and Russia during the Security Council debate on Kosovo in 1999 condemning bombing by the NATO forces. But treatments go on with mere engagement to strategize military and non-military actions: either analysis of power asymmetries among principal actors, differing incentives confronting states (S. N. Macfarlane, 2001), or exploration of new mechanisms to, ranging from, for example, improve coordination among governments, to reinterpret the laws of war for new justification.<sup>1</sup>

It is not deniable that these efforts can be helpful to relieve disasters and to mitigate dire consequences. But obviously it fails so often in providing proper treatment. Somehow curiously in this literature, incomprehension among peoples does not seem to exist, let alone addressed. It hence begs a question: *doesn't* the miscalculation of the power asymmetry have anything to do with neglecting the developing states' contention by the powerful?

This question makes sense in particular when many still take it for granted that 'there is a division of "us" and "them" (not to mention a sense of superiority each of the "us" side may hold)' and efforts should mainly or even solely be put into playing the game of political machination. Conjecture may or may not be right; but it may well be reasonable to assume that it is here where Western evaluation fails of the ideational power the developing states bear: It is only a truism to say that very often such a game has ended in partiality and dire

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<sup>1</sup> While for good reasons, the UN major powers tend to ...in the hope not to subject the UN's mandate to the 'whim of any local leader', there is equally a danger in some efforts to rewrite the laws of war in subjecting international ...to some powers' whim...For example, some international lawyers seek to justify military intervention to restore a democratic regime (eg. Haiti 1992) as could be grouped under the label of 'humanitarian' (Frank, Thomas M.1992), and extending this line of justification to any such 'good sense' (Franck T. M. 2003).

consequences, if not always disasters. More than often, not inadvertently, even if 'our' ambitions were somehow realized, the outcome could not be devoid of *international* condemnation of illegitimacy or injustice.<sup>2</sup> If political strategies alone can not solve all problems (in fact they are too often producing dire consequences in long term) --- thinking about how desperately the question is asked 'what else can realistically be done to prevent the reoccurrence of humanitarian disasters?' (Roberts 1994), and how scant effect some sort of answers can yield --- for any serious thinker about international life, another question is bound to arise: 'To prevent the reoccurrence of such humanitarian disasters, is it *appropriate* for the powerful to pursue any such intervention in the way they do it ('appropriate' in terms of roles, rules, identities and given situations)?' In other words, I contend that one way to get dragged out of the mire may well be just to shift the focus from the logics of consequences to the logics of appropriateness, and to endeavour to account for in what kind of environment the latter may work better, and what approaches can be seen to create such environment.

## 1.2. The argument

It is this shift of focus that this essay attempts to bring to the International Relations scholarship concerning humanitarian intervention. In so doing, I am not polarising the two lines of logics, which can be working in an entangled

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<sup>2</sup> As observed by Roberts, for example, the downgrading of consent of the parties as a key criterion in UN decision-making 'without full discussion of all the implications' has fatally weakened principles of the UN peacekeeping. While defending that 'reduction in the emphasis on consent' as happened 'for good reasons' including enabling fulfilment of UN mandate, as demonstrated in the case of UNOSOM II (The United Nations Operation in Somalia II) and UNPROFOR in former Yugoslavia, he reckoned that it could facilitate a tendency 'to regard peacekeeping as a flexible technique', which lacks legal basis, and is subject to questioning its purposes (Roberts 1994: 17-21).

way. Emphasise on one is simply a remedy when the other alone has gone too far to be true. As shown above, the neglect of logics of appropriateness has led to overwhelming attention to instrumental political calculation and action which consequently resulted in disasters in humanitarian intervention. But this is only part of the picture. Indeed, the neglecting of the logics of appropriateness can also lead to actors' blindness to, or distortion of, evaluation of the self and the other. Considering the fact that targeted party of humanitarian intervention is often found to be an entity in the developing world, it is somehow strange that the IR scholarship continues to ignore the specification of the contention from that part of the world, which may be based on identical or alternative ideations. It is curious, since even when the logics of consequences prevail (as the IR scholarship often tends to show), for any utilitarian purpose it requires understanding and assessment of the enemy's power (material as well as ideational), why the international community can not but fail to accommodate the alternative contention if intervention in the name of 'humanitarian' is still high on its agenda. Given that politics is not only phronesis or practical wisdom deployed to reach an end, but also about fathom competing values and decide what is good, desirable and appropriate in our communal life,<sup>3</sup> this failure is startling. Given the fact that in a global club of states where members are divided into jurisdictions of widely varying cultural characteristics, which from time to time provokes international controversy and apprehension that threaten stability and international security, such a failure is appalling.<sup>4</sup>

In this article chapter I am not tempted to exercise any causal inference between the main elements of the Western cultural value and the selectiveness

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<sup>3</sup> C. Brown made a point to contend the conventional argument that 'politics' requires government, that authoritative allocation of values is central to the process, in defence of the validity of 'international political theory'(C. Brown 2002: 6-7).

or failings of humanitarian intervention. Nor do I attempt to devise criteria to judge policy activity or value systems. I do not either pretend that this work will yield any judgements on legal validity of norms or decision on whether humanitarian intervention now is, or is not, part of just cogens, or the like.<sup>5</sup>

Rather, I suggest that it bears tremendous importance to explore ideational factors that exert more fundamental influence on decision-making such as cultural values at work for norm emergence and normative diffusion.<sup>6</sup> I contend that conception of the key terms in the debate such as sovereignty and human rights bears very different connotations in the developing states from that in the developed where main stream Western culture embodies and entails these concepts. Since rules, norms are mechanisms for regulating the

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<sup>4</sup> This inability has been associated with some form of rationality assumptions utilized by both neorealism and game theory, and various interrelated problems (Wendt 1992; A. Yee 1996): although it is acknowledged that in world politics currently new and revived ideas apparently play crucial roles in decision-making and policy implementation, the IR scholarship continues to demonstrate an inability to address the effects of ideational factors such as cultural values and beliefs in decision-making and policy implementation. While for professional prudence, many IR scholars are either reluctant to go beyond a realist analytical framework, or hesitant to accept the methodologies employed to explore effects of ideational factors on policy, recent IR scholarship has seen the return of culture in its research agenda since the last decade. For example, constructivists such as Wendt who has seminaly questioned the 'anarchy problematic' stressed by political realists, classical and neo-, and, together with liberals, are engaged in researching, for example, institution, which is not given but tainted with contingency (Wendt 1992 and 1999; Finnemore 1996b). An inter-disciplinary work on norms, rules and their implications at both domestic and international levels, has been done by Kratochwil (Kratochwil 1991)

<sup>5</sup> It is the lawyer's job to determine the authenticity and sources of international law and to establish certainty and explicate the standing rules of international life. My approach is essentially IR. But I think it is necessary to unite international law and politics in studying effects of values on normative diffusion. For discussions about different methodologies in IR and international law, see, for example, articles includes under 'Symposium on Method', *The American Journal of International Law*, Vol. 93:36.

<sup>6</sup> Exploration and specification of mechanisms of normative diffusion is the task of Chapter 3.



social behaviour of human beings interacting with one another as organized groups, to make humanitarian law valid and relevant and to make such action as much viable in any part of the world as possible, it is necessary to forge a genuine *common language* and to reach consensus in international community. I argue that not only value itself is not a dismissible or marginal factor in our responding to international contention about humanitarian intervention, *but also* that, bringing into consideration the importance of interaction between different value systems, and moreover, to well-facilitate such interaction will be very helpful to promoting mutual understanding, and generating (not *imposing* whereby there is always resistance and backlash) a common language and consensus; and that ignoring contending arguments and not incorporating non-Western thoughts into the decision-making process of intervention manifests a weakening of the viability of such law or norm and legitimacy of humanitarian intervention, and constitutes a fatal flaw in the power evaluation of the powerful.

### 1.3. The central task and a two-tiered three steps approach

There maybe more than one way to accomplish the tasks as set above. One of them is to draw upon the sophisticated understanding of how transmigration of ideas takes place across cultures, a topic which has become central to fields such as cultural studies (C. Hughes 2001). It is important, however, in following this line of thinking, to restrict to encompass only those political ideas and beliefs that are given public. This is so simply because political analysis addresses only specifically political ideas; and imprecise specification of the ideational factors that allegedly are generating policy resultants can not but divert the central task of identifying causation.

Moreover, since causes are usually multiple and indeterminate in the social world, the ideational factor is generally one of many probable causes of policy,

it is necessary to develop adequate correctional approaches to identify key causation. One way to ensure accuracy is to follow a two-tiered approach. In the first tier two steps are involved to establish explanatory links between ideational factors and decision-making. The first step is called *congruence procedure*. It is to deduce implications of the actor's operational code beliefs for decision, and then examine whether the characteristics of the decision are consistent with the actor's beliefs. If the two are congruent, then there is at least a presumption that the beliefs may have played a causal role in this particular instance of decision-making (A. L. George in L. S. Falkowski ed. 1979, A. Yee 1996). As congruency or consistency itself does not suffice to establish causation, this procedure needs to be supplemented and completed by a second step, namely, *process tracing procedure* (A. Yee 1996). The two steps do not have to be in this order. Work some times starts with tracing procedure (Khong 1992), and the two steps can be interrelated in actual exercise of causal inference since the deduction serves a road map guiding out the tracing procedure. This method can suffice to demonstrate a cogent causal relation only when a second tier of work is completed. At the second tier is a process providing evidence in which mechanisms of causal interactions are involved (Salmon 1990). Mechanisms should be explicated to show ideations are while institutionalised exerting direct influence on policy.

My central task, as noted in the last section, is to show ideational factors concerning humanitarian intervention play an important role in decision-making in order to account for the importance for promoting international interaction across cultures. What I do in the following is to specify and explicate two sets of ideations identical with or alternative to elements in the main stream of west culture, which purport to consist in the contention against humanitarian intervention. I then move to two separate parts in each I trace

how these ideations respectively yield the contending position as manifested in the rhetoric and policy concerned (assuming these two are consistent is reasonable since official rhetoric is to support and justify policy). In each of the two sections, the two-tiered three step approach is employed, so the degree is ascertained to which ideation--policy option relationship can be established. A fourth section is followed to analyse the discoveries about the consistency or inconsistency of the ideational factors with political position as manifested in policies. Based on discoveries from the tracing procedures, it then brings the threads of explication into one line of reasoning leading to approval or disapproval of the central argument. In accounting for how and why this causation may or may not happen, I examine the possibilities to build up a foundation for transmigration of ideas across cultures to generate a common language, which can serve as the basis of international normative consensus to discuss about and direct international humanitarian intervention.

In other words, in section 2—4 I specify and examine ideational factors underlying the contending positions mainly taken by the developing states. The connotations of sovereignty for these states, the argument of universalism underlying human rights claim will be analysed together with the 'Western culture charge'. In particular, the universality of human rights norm will be reinterpreted by extricating the Asian Value argument. These remarks arrive at one line winding through the labyrinth of the so called 'developing states contention' by referring to the 'standard of civilization'; that is to say, in section 5, I explore the implications of these discoveries to the current humanitarian intervention debate and practice, concluding at a reliance on the institutional arrangements in international society that promote a common language of international relations.

Before proceeding to the next section, it is necessary to clarify why in referring to contention drawing upon either identical or alternative elements

of ideations against humanitarian intervention I choose to use a term 'developing states' (as seen in a 'developing-developed states' dyad), instead of a more often usage in IR, namely the 'Third World'.

#### 1.4 'Developing states' as a *position*

The basic referent of the term 'developing states' used in this essay shares most of these terms such as 'South' in the 'North-South' dichotomy and the 'Periphery' as in the 'Core-Periphery' juxtapose. It overlaps with the referent of the 'Third World' in terms of underdevelopment in economic, political spheres and of cultural difference. In IR the last term retains its analytical utility referring to a wide range of meanings. It is a deliberate choice to avoid the Third World in this paper. Among others, I see reasonable reluctance to refer to the 'Third World' threefold.

First, the 'Third World' has a geographic connotation associated with underdevelopment theory. It includes states in world politics and economy in places outside Europe and North America, namely, Asia, Africa, and Latin America, Oceanic and even a few East European states (such as Yugoslavia) (Jackson 1990: 114). The image was not only of poverty and underdevelopment but also incivility and repression. Whereas in these areas variations in politics and economy, in civility and development are no less faint than that in Europe and North America, it is not feasible to have a conception to categorise these states in terms of geographical location.

Second, it is a category used to examine the political and economic processes suggesting dominance and oppression. Identities of states under this category are associated with peripheralisation and victimisation.<sup>7</sup> It

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<sup>7</sup> For differentiation of the concept, see S. N. Macfarlane 2000 in Fawcett and Sayigh eds., 18-23; and James Blight and Thomas Weiss 1992 in *Third World Quarterly* 13/2,249.

suggests psychological trauma derived from sad history of oppression and occupation by the powerful, an unhealthy feeling that this chapter suggests is being overcome by these states themselves.

Thirdly, in international relations this term emphasises the dependency on the world capitalism and a global class divisions. This division is vertically in terms of wealth and class rather than horizontally in terms of sovereign populated territory. This distinction is value-laden and ideological.

Moreover, the term 'developing states' does not entail a cleavage in terms of culture and value. Although it connotes division in terms of wealth and technology, it is less tainted by discrimination, while embodying some degree of equality and prospect for these states in world economy and politics. Furthermore, as it is only an analytical tool rather than evaluated usage consistent with contemporary political theory, I do not make a list under this term deciding whether G77 group or some 128 states or others should be included. Finally, where the term 'non-Western', or West, is used in this essay, it does not refer to the East-West ideological confrontation. Rather, it simply means all that which is outside or different from North America and Europe. Therefore contention addressed as 'developing states' is more of a *position* than of ontological reference.

## 2. State Sovereignty

### 2.1. 'Autonomy' as cardinal value underlying Sovereignty

The society of states embodies certain values which any political and social analysis cannot and should not avoid. Although in the fabric of collective life they are entangled and embedded, it is not difficult to discern the cardinal and its corollary. The entire scheme or conception of international society sees independence or autonomy as its basic and overwhelming value. 'Virtually all

the principles and practices of a sovereign states system derive either directly or indirectly from this desideratum.' (Jackson 1990: 10). For the state to exert sovereignty, independence or autonomy is not only a desideratum but also pre-condition. This is expounded in Krasner' differentiation of four meanings of sovereignty, namely, *domestic sovereignty*, referring to the organization of public authority within a state and to the level of effect control exercised by those holding authority; *interdependence sovereignty*, referring to the ability of public authorities to control trans-border movements; *international legal sovereignty*, referring to the mutual recognition of states or other entities; and *Westphalia sovereignty*, referring to the exclusion of external actors from domestic authority configurations (Krasner 1999: 9). These four meanings are not logically coupled. In invoking 'state sovereignty' as a norm to contend against humanitarian intervention, the Westphalia sovereignty is most often referred to. It has become a most powerful weapon, as charged by the IR scholarship, to arm the developing states in their disagreement with the developed on intervention by the powerful (C. Brown 2002).

Before I move to discuss how and why this norm has been so utilized, it is interesting to note a point made to challenge the widely accepted assumption that non-interventionism is a major feature of Westphalia system. Brown in telling a story about emerging humanitarian intervention norm claims that 'a strong general norm forbidding intervention on humanitarian grounds was...established in the mid-twentieth century' when 'the core system' [s] humanitarian concern was *not any more* 'tied up with ethnocentric, racist assumptions about non-Europeans and the justifications for empire'. Brown states: 'As [these ethnocentric and racist] assumptions were delegitimated in the course of the first half of the twentieth century, so the non-interventionism normative for the core system became normative for the system as a whole, and thus humanitarian intervention had to be *reinvented and relegitimated* at

the end of the century.’ (C. Brown 2002: 135, emphasis added)

It remains unclear from the statement whether or not the ground for such ‘reinvention’ comes together with a return of the already-delegitimated ‘racist or ethnocentric assumptions’. What *is* clear in the language is the liberty for those in the (former?) core system to invent norms of intervention. Obviously it can be enjoyable for those who deem high their intelligence and the advantages in terms of the dominance in discourse. But this can also be blind and lead to a misuse of such power, which the international arena does not rarely see happen. As it is for sure another story about sovereignty or interventionism, about how that concept was incorporated and institutionalised in the non-Western world is far from the same entertaining. With this awareness it is possible to have a second thought about the validity of the contention (hence policy justification) from that part of the world in defence of state autonomy.

I make two aspects of tracing to show that this alternative story is less pleasant than thought-provoking. The first is to do with the expansion of international society understood as the international expression of liberalism. This process is at the same time a process for the different societies to interact with, assimilate, and effect the internalisation of, those imported Western ideational elements, followed their own domestic task demands. The second is connected with the character of such an expansion in modern history coupled with force and imposition. In tracing these aspects of international life, I account for the consistency between these ideations and decision. Some mechanisms of how these ideations effected rhetoric or position made in public will be explicated.

## 2.2. Expansion of the society of sovereign states as universalisation of Western ideations

Bull and Watson see European culture expanding to become a world

culture with important global political implications. In describing the expansion of international society, they trace the logic of such a system as the international expression of liberalism: sovereign states are the equivalent of free individuals (Bull and Watson 1984). In Anglo-American liberalism, which arises from largely endogenous developments, the distinction between public and private sphere, the democratic organization of the political sphere and the minimalisation of political intervention in the workings of the market are generally privileged. As many other societies and cultures locate social values and moral responsibility in the family, the tribe, or some other social units, the expansion can be understood as a process witnessing reconciliation of highly illiberal communities with a liberal international order of states. When these ideations were imported into non-western societies, they were subject to selection, reconciliation, new synthesis.

Contrary to many may think, this process can hardly be regarded to have homogenised the non-Western world. One example is the Chinese endorsement of liberalism and the implication for its political expression in state building. China started its entry of international society during the tumultuous late imperial period, roughly extending from the first Opium War in 1839 to the fall of the last dynasty in 1911. The liberalist ideation (sovereignty) was first interpreted and applied to anthropomorphized state rather than to individual human beings, as envisaged in the West. C. Hughes observes that China chose to reinterpret the notion of liberalism as a master narrative of *national salvation*; and this 'narrative enables liberalism to be presented not so much as an argument privileging the liberty of individual human beings, but rather to be converted into an argument for the freedom of the community in a system of world politics' (Hughes in Hovden and Keene 2002: 193-4). As observed by Schwarz, what was missing in this interpretation is 'precisely that which is often considered to be the ultimate spiritual core of liberalism,



the concept of the worth of persons within society as an end in itself, joined to the determination to shape social and political institutions to promote this value' (Quote in Hughes: 199).

In explaining what caused this distortion, Hughes interestingly endorsed it as 'the realization of the nature of Aristotle's "political animal" ' by those who first introduced into China these concepts such as Yan Fu (Hughes in H. K. 2002: 201). This may not serve as a good explanation. To this I will return.

The Chinese assimilation of liberalism in the early stage was propelled by a Faustian searching for national wealth and power, in which democracy is seen as 'only [a] plausible form through which [they] can reform and re-establish authority'. Once the prior necessity was identified as for a programme of nation-building, the value of individual liberties turned out to be assessed in terms of their compatibility with the task of achieving freedom for the state as an actor in international society (Hughes in Hovden and Keene 2002: 198).

Indeed, many followers of Bull and Watson fail to realize, the conception of national sovereignty in most states in the expanded society carries an explicitly separate and less clearly defined meaning than in Western philosophy. For these states, sovereignty is a mark of their collective dignity.

As exemplified in the China case, in search of its national identity in international society, the Chinese has continuously resorted to the sovereignty norm to advance its broader state-building project. In its more recent version, national sovereignty serves to sustain domestic authority against foreign incursion. State authority has been assigned with central importance. A recent book about the United Nations offers one definition of sovereignty. It states:

'The crucial principle is that the national authorities which rule over the people within a specific area are the ultimate authority for dealing with

all domestic and foreign policy. These authorities alone enjoy these rights and responsibilities, to the exclusion of any other actor.' (Guo Longlong on Lianheguo Xinlun : New Theories about the UN: 1995: 14-15; also in Gill and Reilly 2000 in *Survival*: 42-43).

While China has gone through tremendous changes along the centuries and in particular since the open door policy in the late 1970s in its embracement of Western institutions and culture, it remains difficult to find evidence to prove that today that part of the world has been homogeneous with this. At least for the conception of sovereignty, it is not the case.

### 2.3. Domestic task demands versus external imposition of ideations

It should not be difficult to find similar cases of such ideation-expansion in Africa, South America and other parts of the worlds. As it can be seen, adopting or modelling a set of Western political and economic arrangements could be forced by either the motivation to get rid of disadvantage or direct coercion, being it military force or kinds of sanctions. But such adoption is not a cognitive internalisation. The Japanese adoption of Western economic and political arrangements in the last century is widely regarded as a success as showed in its being categorised as a 'Western country'. But it is hard to deny that these institutionalised arrangements were accomplished in ways that reflect non-Western local culture norms. This leads to a discovery that in search of solutions to their own problems the state finds foreign models increasingly take second place to the native political and social intelligence. Domestic task demands tend to be a strong force in internalising foreign ideas. However Western these eventual institutional realisation might not be, it begs better understanding of the culture and history of these societies whose people seek to improve. This shows that the 'realisation of the nature

of political animal in Aristotle's sense' explanation confused a cause with a means.

While reconciliation of foreign ideation may be motivated as domestic task demands, it is equally important to note that very often these endorsement of foreign ideations may not fit in domestic task demands (in a uninterrupted track). In celebrating universalism, it is easily forgotten that the expansion of European values across Africa, Asia and Americas was coupled with violence, conflict and leadership. In other words, the course is also a process of imposition by the powerful. Sociological institutionalists have argued that in most of the non-Western parts, the state is taken as organizational form of political entity not because of internal task demands, but rather the results of external cultural legitimation. In other words, the state as an organizational form has had to be imposed and indeed, propped up. Even those failed states must still be reconstructed as states rather than reorganized in some other way. This is so because the state form is a culturally and legitimately supported political form (Finnemore 1996: 342).

In protesting this imposition character of the Western ideation, some seek to defend that non-Western values should be respected and maintained. One example is the Asian value argument which has gain some currency among in the East- and South Asia.

### 3. Universalism of human rights and the Asian Value claim

Heated debate about the validity of the Asian Value thesis caught attention across borders in the 1990s after several delegations addressed cultural and value differences between Asia and the West.<sup>8</sup> The central claim of this thesis is that there is a distinct Asian value which, unlike the Western culture, is less supportive of individualist freedom than concerned with order and discipline. Therefore the claim of democracy and human rights proposed by the West

bears less relevance in Asia than in the West.

Defenders of universalism tend to take two lines of argument. The first is prescriptive. They blame the claim as cultural relativism underscoring a culture-specific feature of moral standards. And the latter should not be accepted in international life.

The second makes efforts to find shared elements underlying human rights in both cultures. For example, Sen sees that 'the view that the basic ideas underlying freedom and rights in a tolerant society are 'Western' notions and somehow alien to Asia, is hard to make any sense of, even though that view has been championed by both Asian authoritarian and Western chauvinists' (Sen; 1997: 27). In Sen's defending of universalism, he listed, from Buddhism to Hinduism in Asian traditions, the common elements endorsing freedom and supporting individuation.

These arguments as I see it have largely missed the point. The charge of cultural relativism presumes it entails value relativism. It is moral or value relativism that they don't support, not Asian Value. If they don't endorse that value system itself they bear the burden to prove. The second case as seen in Sen's work involving looking for similar elements in the two value systems does not suffice to prove that the Western value enjoys universality. The assumption is that universalism is a stereotyped programme that can be used as a measure. Secondly, even though elements can be found essentially similar, there remains an important difference, namely, none of these elements Sen has found from the Asian traditions has been realised in Asian political and social practice in an institutionalised way. In another words, Sen seeks to

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<sup>8</sup> For example, in 1993, at the World Congress on Human Rights in Vienna, the foreign minister of Singapore warned that universalism should not be used to mask the reality of diversity. And the Chinese delegation was actively promoting to make room for regional diversity in the framework of the declaration.

prove such and such elements are of the same nature, but what turned out is like using a steelyard,: This is a case of mis-specification of values. Thirdly, the existence in remote traditions of certain values does not follow that these elements are still alive or viable to be resources of potential political value. Therefore the charge of the invalidity of Asian Value so provided is dismissible.

The fact that the Western culture (rationality, individualism) has prevailed in history does not mean that we should overlook the resistance and conflicts in the process of its expansion to the non-west. And it does not mean that the globe can afford if theorists do not seriously address these resistance/conflicts. Rather than denying the validity of Asian Value claim on ill-founded accusation, it does more justice to the fact by accepting it as one specification of universal human rights. If universalism has to be understood as descriptive, then minimum on the agenda can be given: since 'states consist of humans one must assume some common humanity: 'a minimal content of natural law', perhaps, which acknowledges universal human vulnerability and responds by a general rule of non-violence (H. L.A. Hart 1961: 189-95). On this basis, only if these elements cannot be found at all can Asian Value be charged as not a specification of universal human rights. I see two reasons why this will not happen: First of all it does not refute the Western value as a whole. Secondly, the difference it claims between the two is more of degree or extent than of nature.

Furthermore what is more important underlying the Asian value claim, as I see it, is threefold: a). Behind the claim of distinct Asian Values lies the feeling of being weak, and even deeply the sense of being inferior, whatever cause may be, In this sense, it is a voice from below of the status quo (very different from that of the Enlightenment, which voiced out the universalism of an elite class in a leading country of the Western world). B). It shows a certain self awareness of being different and at the same time being the same.

In this sense, it entails a claim for equal standing of the weak and small.

Finally, cultures are not hermetically sealed units, but are composed of people who do engage in rational dialogue across communitarian boundaries. The crude comparison of stereotypes should give way to a better understanding of how the interaction between different communities can really take place. That is perhaps where International Relations can contribute to a peaceful world.

#### 4. Concluding Remarks

This article has looked at some phenomena about human right intervention and its related argument as a measure against the destruction human wellbeing and happiness. Some related arguments are also focused upon a current enormous attention about recent terrorist attacks in Paris, France, which have been originated from the Islamic State (IS).

The nature of this issue is if and which body should be able to intervene a situation, and how can be done to attain the reconstruction of human wellbeing. However, it is in particular important for us to look at some current affairs in the world from a different observation of developing states. The nature of these arguments is if some policy actors in developed states can act upon, and on what basis and from which side an intervention can be justified and implemented. Nonetheless, it is true that ordinary Syrians are not their targets but they would definitely be wounded and died by air raids of the French Air Force, which has already started a counter attack on Syria. By invoking the same ground on human rights, we must seek to justify international legitimate military actions against the IS as a more moral demand. A corollary of this argument is if some intervention can be of ethical foreign policy, and it is not a dominant one only for developed states. If the West has been too constrained in their efforts to protect human wellbeing

in developing states, more political and practical measures are necessary to sustain their good will.

Some of them claim that a new norm of humanitarianism has been emerging. However, the Paris terrorist attacks have been extensively reported all over the world. On the other hand, in the Arab world, the number of innocent victims in Syrian civil war has been least reported such as that in Paris. In spite of these conservatory issues, no national body has acted to intervene Syrian civilians and their wellbeing. Even defenders of human rights are not able to claim that 'individuals are entitled, regardless of nationality or ethnicity, to fundamental human dignity'. Is it too ideal and altruistic for a third party or policy maker to intervene human wellbeing and its related issues in a sovereign state such as in Syria where there were massive violations within the country?

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