

Humanitarian Intervention and the State

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INTRODUCTION

Is it morally permissible, or even morally obligatory, for states to intervene in the internal affairs of other states in order to stop extreme human rights abuses? In recent years, much has been written in an attempt to answer this question, which some political philosophers regard as today's "chief dilemma of international politics."¹ The impetus for much of the recent interest in the moral question of humanitarian intervention has been the observation that people's own states, rather than invading foreign armies, now constitute the single most dangerous threat to human rights. As Michael Walzer has observed in this regard, "It isn't too much of an exaggeration to say that the greatest danger most people face in the world today comes from their own states."² Most philosophers have concluded that humanitarian intervention in cases of extreme human rights abuse is at the very least morally permissible, and some thinkers have gone so far as to say that some cases of extreme human rights abuse create a moral duty to intervene to stop the abuse.³ While there still remains disagreement about whether humanitarian intervention can be a moral duty, the vast majority of philosophers have been "generally agreed that intervention is permissible when the human rights violations in a country are so extreme as 'to shock the conscience of mankind.'"⁴

This widespread agreement about the moral permissibility of humanitarian intervention is rather surprising, given many of these philosophers' own diagnoses of the causes of humanitarian atrocities. For, it is frequently observed by proponents of humanitarian intervention that the heinous types of crimes which are often claimed to warrant humanitarian intervention are almost exclusively caused by or sanctioned by the oppressed people's own state. The list of acts which are frequently claimed to warrant humanitarian intervention usually includes "mass enslavement, genocide, large-scale massacre (whether genocidal in intent or not), mass expulsion, and so on."⁵ These types

¹ Michael Walzer, *Just and Unjust Wars*, 3rd ed. (New York: Basic Books, 2000), p. xi.

² Ibid. loc cit. See also, Kok-Chor Tan, "The Duty to Protect," in *Nomos Xlvii: Humanitarian Intervention*, ed. Terry Nardin and Melissa S. Williams (New York: New York University Press, 2006). Tan observes that humanitarian interventions are "normally directed against the ruling regime of a country." p. 89

³ For a good introductory summary of the contemporary debate over humanitarian intervention, see Terry Nardin's introduction in Terry Nardin and Melissa S. Williams, eds., *Nomos Xlvii: Humanitarian Intervention* (New York: New York University Press, 2006).

⁴ Tan, "The Duty to Protect." p. 89.

⁵ Tan, loc cit.

of crimes are almost unthinkable without the state's active or passive involvement, and this fact explains Walzer's ominous warning that people's own states represent "the greatest danger in the world today."⁶ At the same time, however, much of the work on humanitarian intervention is thoroughly permeated by the quixotic assumption that intervening states *themselves* do not represent a significant danger *to their own subjects*. Instead, intervening states are conceived as somehow different from other states—they are "legitimate," to use the familiar term.

Without this assumption that intervening states are "legitimate," (and, hence, represent no serious danger to their own subjects), the debate surrounding humanitarian intervention would be considerably altered. If, instead, *all* states were conceived to pose an extremely dangerous threat to their own subjects, (an argument I intend to make below), it seems unlikely that philosophers would so readily endorse the moral permissibility of *state* humanitarian intervention. The following hypothetical example illustrates my point. Imagine that the outcome of World War II had resulted in the imperial expansion of Nazi Germany and the Soviet Union over the entire globe, such that half of the world was absorbed into the Nazi empire, and the other half of the world was absorbed into the Soviet empire. Suppose further that after the termination of the war, only one of these states continues its overt policy of mass murder, mass torture and mass enslavement, while the other (for whatever reason) limits itself to less systematic and less brutal forms of coercion. The less coercive state would, of course, retain the very real *potential* to resume its large-scale murderous policies toward its own subjects or the other state's subjects, if its rulers were to so choose. In this case, any talk of the moral permissibility of intervention by the less coercive state seems almost ridiculous, because such talk would miss the crucial point that *both* states are illegitimate and dangerous threats to both their own subjects and the other state's subjects. The fact that one of the states only poses a potential threat *right now* does not make that threat any less real or morally and practically relevant.

The general contention of this paper is that debate over humanitarian intervention has succumbed to what David Luban has called "the romance of the nation-state,"⁷ and

⁶ Walzer, *Just and Unjust Wars.*, p. xi.

⁷ Luban, "The Romance of the Nation-State."

has thus substantially ignored the serious danger intervening states themselves pose to human rights. I argue that states *qua* states are by nature coercive organizations that subsist by violating the rights of their subjects, and thus always and necessarily pose a threat to human rights.

The paper is organized as follows. The first section discusses the nature of the intervening state. As was just indicated, I argue that all currently existing states are, in Herbert Spencer's words, necessarily "begotten of aggression and by aggression,"⁸ and this aggressive origin and nature of the state ought to play a critical role in our moral evaluation of state humanitarian interventions. The second section discusses some practical aspects of state humanitarian intervention that are often overlooked in the discussion of the moral permissibility of these interventions—even by scholars who have examined the practical problems of humanitarian intervention.⁹ I argue that state humanitarian interventions can very often work at cross purposes to stopping human rights violations *in the intervening state itself*, because they almost invariably serve to aggrandize the intervening state, thereby increasing the danger the intervening state poses to its own citizens, as well as foreigners. I also argue that state humanitarian interventions lack any practical mechanism for determining whether and to what degree the taxpayers who fund it actually demand the *particular type* of humanitarian intervention chosen by the state. In the third and final section, I argue that humanitarian interventions could be undertaken by voluntary private defense companies in ways that would avoid these serious practical and moral problems.

I. THE NATURE OF THE STATE

In this section, I first survey some of the more important philosophical literature dealing with humanitarian intervention, which I claim neglects the danger posed by intervening states. In the second portion of this section, I argue that the assumption that intervening states are not themselves dangerous human rights violators is gravely mistaken. I argue that all states are by their very nature dangerous human rights

⁸ Herbert Spencer, *The Man Versus the State* (Indianapolis, Ind.: Liberty Fund, 1982), p. 71.

⁹ See, for example, Jerome Slater and Terry Nardin, "Nonintervention and Human Rights," *The Journal of Politics* 48, no. 1 (Feb., 1986).

violators, and this fact, at the very least, ought to make us suspicious about the prospects for state humanitarian interventions.

A. The Assumption that Intervening States are Not Dangerous to Their Own Subjects

Like many aspects of the philosophy of war, the present debate concerning the morality of humanitarian intervention has been significantly impacted by Michael Walzer. In order to understand Walzer's position on this issue, it must be borne in mind that Walzer's discussion of humanitarian intervention is critically influenced by his conception of state sovereignty and territorial integrity. Walzer's own view on the issue of humanitarian intervention is that certain cases of extreme human rights abuse, to the point where the abuse "shocks the conscience of mankind," justify interventions that would ordinarily be considered violations of a state's sovereignty.¹⁰ Walzer argues that political sovereignty and territorial integrity are rights which derive from the collective right people have (based on a metaphorical social contract) to self-determination and a right to "build a common life together."¹¹ This right to territorial integrity and political sovereignty, however, inheres in people's states—*not* in the individual citizens of a state themselves.¹² This is true, because the state is presumed by Walzer to be the singular "arena within which self-determination is worked out."¹³ Walzer's defense of the moral permissibility of humanitarian intervention, therefore, must be understood in the context of his belief that the state is the fundamental locus for political self-determination. As a result of this, Walzer argues that humanitarian interventions are justified in cases where state sovereignty no longer "serves the purposes for which it was established;" the purpose being to safeguard and foster the common life of its own inhabitants.¹⁴

For my purposes here, one aspect of Walzer's position is particularly important. Walzer claims that we must morally and legally presume that there "exists a certain 'fit' between the community and its government and that the state is legitimate."¹⁵ In cases of extreme human rights abuse, however, Walzer claims that we cannot make a presumption that there exists a "fit" between the state and its subjects. On the contrary,

¹⁰ See, for example, Michael Walzer, "The Argument About Humanitarian Intervention," *Dissent* (2002).

¹¹ Walzer, *Just and Unjust Wars.*, p. 61

¹² *Ibid.*, p. 53, Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy and Public Affairs* 3 (Spring 1980), p. 212.

¹³ Walzer, "The Moral Standing of States: A Response to Four Critics." p. 210

¹⁴ Walzer, *Just and Unjust Wars.*, p. 90.

¹⁵ Walzer, "The Moral Standing of States: A Response to Four Critics." p. 212.

states which perpetrate extreme human rights violations on their own people are claimed to forfeit “the right to participate in the normal (even in the normally violent) processes of domestic self-determination.”¹⁶ In other words, governments which perpetrate extreme human rights abuse not only cannot be presumed to “fit” their communities, but also must be presumed to have forfeited any moral and legal claim to rule over their own subjects without intervention by foreigners. Walzer’s justification of humanitarian intervention, therefore, is predicated on the idea that potential intervening states are legitimate, (i.e., that they “fit” their people), and, consequently, that they do not pose the same extreme danger to their own subjects that the offending state does.

As many of his critics have pointed out,¹⁷ Walzer is extremely liberal in ascribing legitimacy to states—requiring only that they be able to “fight their own internal wars” without committing atrocities that would shock the conscience of mankind.¹⁸ David Luban, for example, argues that Walzer is far too liberal in ascribing legitimacy to states.¹⁹ He points out that states very frequently fit their people “the way the sole of a boot fits a human face: after a while the patterns of indentation match with uncanny precision.”²⁰ Luban also argues that Walzer is mistaken to claim that the rights of self-determination and territorial integrity inhere in states rather than individuals.²¹ “Human rights,” Luban argues, “accrue to people no matter what country they live in and regardless of history and traditions.”²²

Interestingly, however, Luban’s skepticism of Walzer’s idea that there should be a presumption of “fit” between a state and its people does not translate into skepticism about state humanitarian intervention in general. On the contrary, Luban himself defends a much lower threshold for humanitarian intervention than does Walzer.²³ Richard Wasserstrom, Charles Beitz, Jerome Slater and Terry Nardin also criticize the idea in *Just*

¹⁶ Walzer, *Just and Unjust Wars.*, p. 106.

¹⁷ See, for example, David Luban, "The Romance of the Nation-State," *Philosophy and Public Affairs* 9, no. 4 (Summer 1980)., and Charles R. Beitz, "Review: Bounded Morality: Justice and the State in World Politics," *International Organization* 33, no. 3 (Summer, 1979)., and Richard Wasserstrom, "Just and Unjust Wars: A Moral Argument with Historical Illustrations by Michael Walzer," *Harvard Law Review* 92, no. 2 (Dec., 1978).

¹⁸ Walzer, *Just and Unjust Wars.*, p. 101.

¹⁹ Luban, "The Romance of the Nation-State."

²⁰ *Ibid.*, p. 242.

²¹ *Ibid.*, loc cit.

²² *Ibid.*, loc cit.

²³ *Ibid.*, p. 241.

and Unjust Wars that states must be presumed to “fit” their people.²⁴ Like Luban, these scholars also argue that states “fit” their people much less frequently than Walzer admits. Also like Luban, moreover, these scholars conclude that humanitarian intervention by other states is morally justifiable in more cases than Walzer’s argument admits.²⁵

Again, for my purposes here it is important to note that these scholars, in contrast to Walzer, recognize, on the one hand, that states frequently do not “fit” their people, and frequently commit “ordinary oppression” of their own people.²⁶ On the other hand, they view these rather frequent cases of “ordinary oppression” as a sufficient justification for humanitarian intervention *by other states*. The problem with the latter of these two positions, I would like to suggest, is that it overlooks the fact that *all* states are human rights violators by their very nature, and thus have no moral standing to carry out humanitarian interventions of any kind.

B. The Danger of the State in the Twentieth Century

The default position advocated by Michael Walzer is that outside observers ought to presume that states “fit” their own people. The position I will defend here, however, is the exact opposite of Walzer’s position; namely, that *all* existing states ought to be presumed to “fit” their people like a “boot fits a human face,” as David Luban puts it.

To begin, it is critically important to recognize the scope and magnitude of human rights abuse by governments in the twentieth century alone. As R.J. Rummel has pointed out, approximately 169 million people were murdered in cold-blood by governments in the first 88 years of the 20th century alone.²⁷ To put this sobering statistic in perspective, Rummel estimates that the number of battle deaths in the numerous and bloody international and civil wars during the same period was approximately 38.5 million

²⁴ Beitz, "Review: Bounded Morality: Justice and the State in World Politics.", p. 413., Beitz, "Review: Bounded Morality: Justice and the State in World Politics.", Wasserstrom, "Just and Unjust Wars: A Moral Argument with Historical Illustrations by Michael Walzer.", and Slater and Nardin, "Nonintervention and Human Rights.", pp. 91-92.

²⁵ Slater and Nardin, however, claim that while humanitarian intervention is *morally* justifiable in more cases than Walzer’s argument would admit, the criteria justifying such interventions is so stringent that they are frequently unlikely to be justifiable in practice. See, Slater and Nardin, "Nonintervention and Human Rights."

²⁶ Luban, "The Romance of the Nation-State.", p. 242.

²⁷ R. J. Rummel, *Death by Government* (New Brunswick, N.J.: Transaction, 1994). "In total, during the first eighty-eight years of [the 20th] century, almost 170 million men, women, and children have been shot, beaten, tortured, knifed, burned, starved, frozen, crushed, or worked to death; buried alive, drowned, hung, bombed, or killed in any other of the myriad ways governments have inflicted death on unarmed, helpless citizens and foreigners." p. 9

people—less than a quarter of the number murdered in cold blood by governments.²⁸ The Soviet state alone murdered approximately 55 million of its own citizens, a number that is 30% larger than the total number of battle dead in all international and civil wars of the twentieth century.²⁹ A short list of 20th century governments who were involved in this mass carnage would include:

USSR: 61,911,000 murders	Vietnam: 1,678,000 murders
China: 45,314,000 murders	Poland: 1,585,000 murders
Germany: 20,946,000 murders	Pakistan: 1,503,000 murders
Japan: 5,964,000 murders	Yugoslavia: 1,072,000 murders
Cambodia: 2,035,000 murders	North Korea: 1,663,000 murders
Turkey: 1,883,000 murders	Mexico: 1,417,000 murders ³⁰

To this list can be added the hundreds of thousands of civilians killed by the various governments involved in the wars in Vietnam,³¹ the tens of thousands of innocent civilians killed by the Sudanese government in Darfur,³² the massacre of innocent Kurds by various middle eastern governments, the slaughter of approximately 500,000 innocent civilians by the allies alone in World War II,³³ and the deportation, imprisonment and murder of tens of thousands of innocent people by the various (and often communist) governments in Latin America.³⁴ This list could of course be extended, quite literally, *ad nauseum*. In sum, there is ample historical evidence from the twentieth century alone to substantiate Walzer's claim that people's own governments constitute "the greatest danger most people in the world today,"³⁵ although, as these examples illustrate, there is little reason to think that this threat has only recently become serious, as Michael Walzer seems to imply.³⁶

²⁸ Ibid., p. 3.

²⁹ Ibid., p. 79.

³⁰ These numbers are adapted from Ibid., p. 4.

³¹ See, Marilyn Young, *The Vietnam Wars: 1945-1990* (New York: Harper Perennial, 1991).

³² See, Scott Straus, "Darfur and the Genocide Debate," *Foreign Affairs* (January/February, 2005).

³³ Walzer, *Just and Unjust Wars*, p. 255.

³⁴ See, for example, Pascal Fontaine, "Communism in Latin America," in *The Black Book of Communism: Crimes, Terror, Repression*, ed. Stéphane Courtois and Mark Kramer (Cambridge, Mass.: Harvard University Press, 1999).

³⁵ Walzer, *Just and Unjust Wars*, p. xi. On this, see also, Isabel Paterson, "The Humanitarian with the Guillotine," in *The Libertarian Reader*, ed. David Boaz (New York: Free Press, 1997), p. 32.

³⁶ Given Walzer's broad historical learning, his claim that there occurred a "momentous shift in both wars and words" in the years between the original publication of *Just and Unjust Wars* and the issuance of the

The position I will defend here is that these cases of mass human rights abuse in the twentieth century are not merely aberrations from a general rule that states “fit” their people, or at least must be presumed to fit their people, as Walzer argues. Nor are they merely instances of “bad” states persecuting their own people, and which should frequently be stopped by military intervention by the world’s “good” states, as Walzer’s critics argue. Instead, I will argue that states *qua* states never “fit” their own people, and hence, these cases of mass human rights abuse in the twentieth century only constitute rather extreme examples of state human rights abuse. In other words, human rights abuse by states is always a matter of degree.

C. *Do Criminal Gangs Have Moral Standing to Undertake Humanitarian Interventions?*

As was just indicated, the main problem with Walzer and his critics’ analyses humanitarian intervention, is their belief that some states (the potential intervening states) are “legitimate,” and thus have moral standing to carry out humanitarian interventions. I am arguing here that no state is legitimate, and thus no state has moral standing to carry out humanitarian interventions. In order to see why this is the case, it is appropriate to begin by considering a situation in which the organization responsible for “extreme human rights abuses” *and* the organization which could potentially step in to stop those abuses are *both* acknowledged to be illegitimate and criminal organizations. As an example of just such a situation, consider the following hypothetical example, which is loosely based on the United Nations’ report on organized crime in West Africa.³⁷

Two independent organized crime syndicates operate in the same West African village. Syndicate A focuses exclusively on armed robbery, and syndicate B focuses exclusively on slave trafficking. Syndicate A acquires all of its revenue by means of armed robbery, and syndicate B acquires all of its revenue by means of slave trafficking. The syndicates are not in direct competition with one another, nor are they in conflict with one another. The government of the

third edition, such that people’s own states only *now* constitute the “single greatest danger” people face, seems somewhat incredible. It is hard to believe that Walzer could be unaware of the vast disparity in numbers between those people killed by their own governments and those killed in battle in the decades prior to 1977. If anything, the danger states pose to their own people worldwide *declined* during this period with the collapse of the Soviet Union—the government responsible for the most cold-blooded murders in human history.

³⁷ *Transnational Organized Crime in the West African Region*, (New York: United Nations Office on Drugs and Crime, 2005).

territory in which they both operate is too weak and too corrupt to curb either of the syndicates' criminal activities.

This hypothetical yet realistic case raises a particularly interesting and important moral question for rights-based proponents of state humanitarian intervention: Would it be morally permissible for syndicate A to intervene for humanitarian reasons in order to stop syndicate B's more extreme violations of human rights?

There exist, I think, very compelling reasons to think that it would not be morally permissible for syndicate A to undertake such an intervention. This is true, in the first place, because syndicate A could not exist as a potential intervener if it was not violating human rights. In other words, since Syndicate A's *raison d'être* is the violation of human rights through armed robbery, any potential humanitarian intervention by syndicate A would necessarily be carried out and funded by an organization that simply would not exist if it was not violating human rights through robbery. Another way of phrasing this would be to say that syndicate A's pursuit of the end of stopping human rights abuses by syndicate B will concomitantly involve the violation of the human rights of those violently robbed as a *necessary* means to fund that end. At the most basic level, then, whether or not criminal gangs may permissibly undertake humanitarian interventions depends on whether we think that the violation of syndicate A's victims' human rights can ever be justified as a means to stop more severe violations of syndicate B's victims' human rights.

While many philosophers might be inclined to say that it is morally permissible to violate some men's rights as a means to protect other men's rights in this case, (Michael Walzer among them, depending upon the severity of the situation),³⁸ I would like to suggest that this is not a coherent option for those who, with Walzer, advocate state humanitarian interventions from a rights-based moral perspective. In order to see why this is the case, recall that Michael Walzer and his critics all claim that states which commit crimes which "shock the conscience of mankind" lose their moral standing in

³⁸ See Walzer's attempt to excuse the killing of innocent civilians and other forms of human rights violation in what he calls "supreme emergencies" in Walzer, *Just and Unjust Wars.*, ch. 16. For an excellent rebuttal to Walzer's attempted excuse, see Daniel Statman, "Supreme Emergencies Revisited," *Ethics* 117 (Oct., 2006).

international society.³⁹ According to this argument, then, the criminal gang whose very existence is predicated upon extreme human rights abuse (through systematic armed robbery in the above example), has absolutely no moral standing to carry out a humanitarian intervention in the first place. As an outlaw and criminal gang with no moral standing to begin with, it would be rather bizarre to attempt to ascribe *ad hoc* moral standing to such an organization in specific cases of human rights abuse elsewhere—unless we adopt a form of consequentialism that Walzer and most of his critics explicitly disavow. In other words, because the criminal gang has no moral standing prior to the other gang's human rights abuse, it is hard to believe that it could miraculously gain such legitimacy simply because there exists a "worse" gang somewhere else. If we are to take human rights seriously, (without surreptitiously falling back into consequentialism), then we should rather admit that *both* gangs are illegitimate human rights violators, than attempt to ascribe *ad hoc* legitimacy and moral standing to the (at the time) marginally more moderate gang.⁴⁰

All States are Criminal Gangs

The preceding discussion of the morality of humanitarian interventions by criminal gangs is critically relevant to the discussion of state humanitarian interventions, because, as I will argue here, states are in essence nothing more than extremely powerful criminal gangs. This is true, in the first place, because all modern states acquire the revenue for their myriad self-appointed functions (including humanitarian interventions) in precisely the same way as the hypothetical gang of bandits described above. All modern states, in other words, acquire their revenue by means of taxation; that is, involuntary extraction of tribute from their subjects through force or the threat of force.⁴¹

³⁹ See, Walzer, *Just and Unjust Wars.*, p. 106, Walzer, "The Moral Standing of States: A Response to Four Critics.", p. 211,

⁴⁰ For a different, though related, criticism of perceived consequentialism in *Just and Unjust Wars*, see Joseph Boyle, "Just and Unjust Wars: Casuistry and the Boundaries of the Moral World," *Ethics and International Affairs* 11 (1997).

⁴¹ On this, see especially Frank Chodorov, "Taxation Is Robbery," in *Fugitive Essays* (Indianapolis, Ind.: Liberty Press, 1980)., Charles Tilly, "War Making and State Making as Organized Crime," in *Bringing the State Back In*, ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (New York: Cambridge University Press, 1985)., Murray N. Rothbard, *The Ethics of Liberty* (New York: New York University Press, 1998)., Benjamin R. Tucker, *Instead of a Book, by a Man Too Busy to Write One; a Fragmentary Exposition of Philosophical Anarchism* (New York: B.R. Tucker, 1893)., Murray N. Rothbard, "The Anatomy of the State," in *Egalitarianism as a Revolt against Nature and Other Essays* (Auburn, Ala.: Ludwig von Mises Institute, 2000)., Hans-Hermann Hoppe, *The Economics and Ethics of Private*

At root, then, and as Lysander Spooner has piercingly observed, the state is in every relevant respect precisely like the gang of armed robbers described above—only worse:

"The fact is that the government, like the highwayman, says to a man: Your money or your life...

The government does not, indeed, waylay a man in a lonely place, spring upon him from the roadside, and, holding a pistol to his head, proceed to rifle through his pockets. But the robbery is none the less a robbery on that account; and it is far more dastardly and shameful.

The highwayman takes solely upon himself the responsibility, danger, and crime of his own act. He does not pretend that he has any rightful claim to your money, or that he intends to use it for your own benefit. He does not pretend to be anything but a robber. He has not acquired impudence enough to profess to be merely a 'protector,' and that he takes men's money against their will, merely to enable him to 'protect' those infatuated travelers, who feel perfectly able to protect themselves, or do not appreciate his peculiar system of protection. He is too sensible a man to make such professions as these. Furthermore, having taken your money, he leaves you, as you wish him to do. He does not persist in following you on the road, against your will; assuming to be your rightful 'sovereign,' on account of the 'protection' he affords you. He does not keep 'protecting' you, by commanding you to bow down and serve him; requiring you to do this, and forbidding you to do that; by robbing you of more money as often as he finds it in his interest or pleasure to do so; and by branding you as a rebel, a traitor, and an enemy to your country, and shooting you down without mercy, if you dispute his authority, or resist his demands. He is too much of a gentleman to be guilty of such impostures, and insults, and villainies as these. In short, he does not, in addition to robbing you, attempt to make you either his dupe or his slave."⁴²

Property: Studies in Political Economy and Philosophy, 2nd ed. (Auburn, Ala.: Ludwig von Mises Institute, 2006). Jean-Baptiste Say, *A Treatise on Political Economy or the Production, Distribution, and Consumption of Wealth* (Philadelphia: J.B. Lippencott, 1857)., and Herbert Spencer, *Social Statics: Or, the Conditions Essential to Happiness Specified, and the First of Them Developed* (London: John Chapman, 1851).

⁴² Lysander Spooner, "No Treason, No. 6," in *The Lysander Spooner Reader* (San Francisco: Fox & Wilkes, 1992)., pp. 84-85. See also, Augustine, *The City of God* (New York: Penguin, 1984).: "[W]hat are kingdoms but gangs of criminals on a large scale? What are criminal gangs but petty kingdoms? A gang is a group of men under the command of a leader, bound by a compact of association, in which the plunder is divided according to an agreed convention. If this villainy wins so many recruits from the ranks of the demoralized that it acquires territory, establishes a base, captures cities and subdues peoples, it then openly arrogates to itself the title of kingdom, which is conferred on it in the eyes of the world, not by the renunciation of aggression, but by the attainment of impunity." p. 139.

As has been pointed out by numerous historians and philosophers, the modern state has its historical origin in precisely this kind of predation and extortion.⁴³ Insofar as we accept that taxation is synonymous with robbery, (and the existence and execution of severe legal punishments for non-payment of taxes is itself sufficient proof that taxes are involuntary extractions of people's property), we are thus faced with precisely the same situation described in the previous section; namely, the state is a massive human rights violator through robbery, and thus has no moral standing to carry out humanitarian interventions in the first place.

In addition to the fact that modern states acquire all of their revenue by means of forced tribute, they also necessarily restrict the available means for organized defense in a given territory. In fact, monopolization or near monopolization of the "legal" use of force is a fundamental component of almost every definition of the modern state.⁴⁴ As has been pointed out by many economists, this monopolization of the provision of defense services is nothing more than a protection racket, (one which is virtually identical to the protection rackets employed by organized crime syndicates), which force their victims to pay for so-called defense "services" that many, if not most, of the victims absolutely do not desire.⁴⁵ The fact that states possess a monopolization of the provision of defense services, and consequently force their own subjects to pay for the types of defense services they provide (or go to jail if they choose not to pay), directly contradicts Michael Walzer's assumption that state's "fit" their own people. It would be more

⁴³ On this, see especially Franz Oppenheimer, *The State*, trans. John Gitterman (New York: Free Life Editions, Inc., 1975)., Martin Van Creveld, *The Rise and Decline of the State* (New York: Cambridge University Press, 1999)., Luigi Marco Bassani, Lottieri, Carlo, "The Problem of Security: Historicity of the State and "European Realism", " in *The Myth of National Defense: Essays on the Theory and History of Security Production*, ed. Hans-Hermann Hoppe (Auburn, Ala.: Ludwig von Mises Institute, 2003)., Rothbard, "The Anatomy of the State.", and Albert Jay Nock, *Our Enemy the State* (San Francisco: Fox & Wilkes, 1994).

⁴⁴ For a representative mainstream definition of the state that incorporates its monopoly on the use of force, see Steve Chan, *International Relations in Perspective: The Pursuit of Security, Welfare, and Justice* (New York: Macmillan, 1984)., p. 7.

⁴⁵ On this, see especially the contributions to Hans-Hermann Hoppe, ed., *The Myth of National Defense: Essays on the Theory and History of Security Production* (Auburn, Ala.: Ludwig von Mises Institute, 2003), Gustave de Molinari, *The Production of Security*, trans. J. Huston McCulloch, *Occasional Papers Series* (New York: Center for Libertarian Studies, 1977)., Tucker, *Instead of a Book, by a Man Too Busy to Write One; a Fragmentary Exposition of Philosophical Anarchism.*, Morris Tannehill, Tannehill, Linda, *The Market for Liberty* (San Francisco: Fox & Wilkes, 1993)., Murray N. Rothbard, *Power and Market: Government and the Economy* (Kansas City: Sheed Andrews & McMeel, 1977)., and Murray N. Rothbard, *For a New Liberty* (New York: Macmillan, 1973).

accurate to say, paraphrasing David Luban, that by forcing their subjects to pay for defense services which none of their subjects either explicitly request, nor voluntarily pay for, all states force their subjects' defense preferences *to fit themselves*, rather than the other way around. It is hard to fathom, moreover, how states can be said to acquire moral standing to carry out humanitarian interventions in other states, when the very existence of their own militaries which would carry out such interventions necessarily depends upon extortion and monopolization of this kind.

To sum up my argument to this point, I have argued that people's own states do indeed pose the greatest danger in the world today, as the butchery of the twentieth century attests. I have argued, however, that this danger is a direct result of the nature of the state itself. Moreover, the nature of the state itself undercuts any claim or moral legitimacy the state could use to justify its humanitarian interventions, because the state derives its entire existence from violating human rights through robbery (taxation), and by forcing its subjects to pay for the monopolized defense "services" it provides by threatening them with severe punishments if they refuse to pay. In the next section, I turn to some of the serious practical problems associated with state humanitarian interventions funded through involuntary taxation.

II. ECONOMIC CALCULATION IN SOCIALIZED HUMANITARIAN INTERVENTIONS

In their article "Nonintervention and Human Rights," Jerome Slater and Terry Nardin expand the moral discourse surrounding humanitarian intervention to include questions about the practicality of humanitarian interventions.⁴⁶ While they agree with Walzer and his critics that state humanitarian interventions can be morally justifiable in principle, they also claim that the criteria justifying such interventions are so stringent that such justified interventions are likely to be extremely rare in practice.⁴⁷ Slater and Nardin's article offers a refreshing and important perspective on humanitarian intervention, because the exchange between Walzer and his initial critics seriously neglected the practicality of state humanitarian interventions.

⁴⁶ Slater and Nardin, "Nonintervention and Human Rights."

⁴⁷ *Ibid.*, p. 95.

Slater and Nardin's discussion of the practical problems associated with humanitarian intervention, however, neglects a much more profound practical problem with humanitarian interventions undertaken by states. Specifically, their discussion neglects the insuperable practical problem in determining how many and what kinds of resources to devote to interventions undertaken by states. In other words, when states undertake humanitarian interventions with tax money, (that is, they undertake *socialized* humanitarian interventions), their leaders lack any mechanism for determining how many and what kind of resources to utilize in those interventions. This section addresses this particular practical problem with socialized humanitarian interventions. I argue that socialized humanitarian interventions, like all socialized projects, lack a mechanism for economic calculation. In addition, I argue that this lack of a mechanism for economic calculation means that socialized humanitarian interventions have no necessary connection to the preferences of those who pay for them, and have the very real potential to cause more human rights abuses than they prevent. I also argue that state humanitarian interventions qua military actions will result in the aggrandizement and militarization of the intervening state itself.

A. The Price of Humanitarian Interventions

The basis for my argument here is Ludwig von Mises's famous proof that socialism in all its forms lacks any method for rationally allocating productive resources, because under socialism there exist no market prices for factors of production, and the consumers of such socialized services are not able to transmit their preferences for such goods or services by paying market prices for them.⁴⁸ Without the existence of these market prices, the socialist economic planner is reduced to allocating productive resources in a manner that is *totally arbitrary* from the point of view of the putative "consumers" of those services. This problem confronts any socialized venture—from the socialized agricultural planner in the former U.S.S.R., to the socialized planner of humanitarian interventions.

⁴⁸ See, Ludwig von Mises, *Economic Calculation in the Socialist Commonwealth* (Auburn, Ala.: Ludwig von Mises Institute, 1990)., and Ludwig von Mises, *Socialism*, trans. J. Kahane (Indianapolis, Ind.: Liberty Fund, 1981). See also, Hans-Hermann Hoppe, *A Theory of Socialism and Capitalism: Economics, Politics, and Ethics* (Boston: Kluwer Academic Publishers, 1989)., F. A. Hayek, ed., *Collectivist Economic Planning* (London: Routledge and Kegan Paul, 1935)., and Hans-Hermann Hoppe, "Socialism: A Property or Knowledge Problem?" *Review of Austrian Economics* 9, no. 1 (1996).

Applied to the issue of humanitarian intervention, the problem for the planner of socialized humanitarian interventions is to determine how many resources (i.e., how much tax money?), and what kinds of resources (e.g., 1,000 tanks, or 50 soldiers, or 20 doctors, or 30 soldiers and 15 doctors, *et cetera ad infinitum?*), to devote to interventions, *as judged by those who pay for them* (i.e., the taxpayers). The planner makes these calculations about how much and what kind of resources to utilize, however, without the aid of the pricing mechanism which could transmit consumer preferences to the planner. In sum, because the funding for socialized humanitarian interventions is wholly derived from involuntary taxation, it thus has no relationship to the preferences of the taxpayers.

While the problem of economic calculation in socialized economies or socialized sectors of economies identified by Ludwig von Mises might not appear relevant in evaluating the *morality* of humanitarian intervention, there are a number of reasons why it is indeed critically relevant. In the first place, as was discussed above, Michael Walzer justifies humanitarian intervention in cases of extreme human rights abuse, in which state sovereignty no longer serves the “serves the purposes for which it was established.”⁴⁹ Walzer’s critics argue that states are more frequently illegitimate than Walzer claims, and thus humanitarian interventions are more frequently morally justifiable than Walzer claims. Ludwig von Mises’s socialist calculation argument, however, has two extremely consequential implications for both of these justifications of humanitarian intervention. First, it implies that state leaders have no way to know whether or not their subjects actually desire the *specific type* of intervention actually chosen by the state’s leaders. Without subjects voluntarily paying for specific types of interventions (e.g., \$50 for soldiers, and \$100 for food relief, etc.), how can state leaders know whether the specific type of humanitarian intervention they are contemplating is actually desired by their own people? And if leaders cannot know whether their subjects desire that specific type of intervention (and are willing to pay for the intervention with their very lives and treasure), then they will always run the morally consequential risk of starting military interventions opposed by their own people. The consequence of this is that the intervening state *itself* cannot know whether its interventionist policies “fit” their own people, or whether they are foisting an undesired military intervention on their own

⁴⁹ Walzer, *Just and Unjust Wars.*, p. 90.

people that will both drain their purses and almost certainly cost some of them their lives. To put this even more bluntly, without being able to tell if a specific type of intervention is actually desired by their own people, state leaders cannot know whether *their own* interventionist policies “fit” their own people, or whether the intervention is *itself* denying the “self-determination” of the intervening state’s own subjects. And, if the intervention *itself* denies the rights of “self-determination” of the intervening state’s own subjects, then it directly contradicts the very reason for the intervention in the first place.⁵⁰ That is, the intervention *itself* massively violates the rights of the intervening state’s own subjects, all of whom are robbed, and some of whom are killed in order to undertake an intervention those same subjects want neither to pay for, nor, more importantly, to die for.

The second implication of Ludwig von Mises’s socialist calculation argument is that there exists no way to know whether state humanitarian interventions cost more human lives than they save. This is true, once again, because state humanitarian interventions are funded involuntarily through taxation. The taxpayer almost certainly would have spent his own money in some other fashion rather than gifting it to the government for this *specific type* of intervention. He might, for example, have invested his own money in a pharmaceutical company helping to eventually develop an AIDS vaccine saving hundreds of millions of lives, or voluntarily gifted the money to an international relief agency. Moreover, and this is critical, he might very well have given his money voluntarily to a different and more effective private intervention *in the same conflict in which his state is contemplating an intervention*. Any of these voluntary uses for his own money might result in the saving of more lives (or saving the same lives more effectively) than would result from the state humanitarian intervention—but they will not be realized, because the money which would have voluntarily gone to them is being commandeered for the state’s particular humanitarian intervention. The point is, there is no way to know whether the state’s particular type of humanitarian intervention will

⁵⁰ “Intervention, when it is just, should restore self-determination, not deny it.” Luban, “The Romance of the Nation-State,” p. 243. In a very important sense, then, Walzer is completely mistaken to bemoan the lack of “judgment” being used in the decision to intervene. Michael Walzer, “The Politics of Rescue,” *Dissent* (Winter, 1995), p. 35. The problem is ultimately not that state leaders don’t try to make such judgments; rather, the problem is ultimately that such judgments are logically impossible in socialized humanitarian interventions.

actually save more lives (or save them most efficiently) than would some other voluntary use for the money—even in the conflict in which the state is intervening—because there always exists an infinite number of alternative ways to privately intervene in the conflict that will not be realized.⁵¹

The mainstream philosophical debate about the effectiveness of humanitarian interventions neglects this critical question. Instead, the focus is usually on whether humanitarian interventions will “work” in some strictly technical sense.⁵² While it is indeed important to know whether state military interventions are technically capable of realizing what they are intended to realize, it is much more important to recognize that even when they do accomplish what they are intended to accomplish, this by no means implies that they have saved more lives than some other voluntary use of the money would have achieved, or even that the intervention saved the lives it set out to save efficiently. By focusing almost entirely on “what is seen,” (i.e., stopping this immediate and short-term human rights abuse), to the neglect of “what is not seen,”⁵³ (i.e., alternative uses for the tax money that funds state humanitarian interventions with a long-term perspective), the moral debate over humanitarian intervention has become artificially and misleadingly optimistic about the effectiveness of state interventions, considering that it is logically impossible to know whether they will indeed save more lives than some other use for the money would have.

B. War and the Growth of the State

Yet another problem confronting Walzer and the other proponents of state humanitarian intervention stems from the relationship between war and the growth of the state. As has been previously mentioned, Michael Walzer recognizes the grave danger states now pose to their own subjects, and Walzer’s critics point out that states more frequently aggress against the human rights of their own subjects than Michael Walzer admits. What Walzer and his critics do not seem particularly concerned about, however, is the potential for humanitarian interventions, (which are, after all, *military* actions

⁵¹ In this regard, c.f., Carola Weil, "The Protection-Neutrality Dilemma in Humanitarian Emergencies: Why the Need for Military Intervention?" *International Migration Review* (2001).

⁵² See, for example, Miriam Reidy Prost, "Humanitarian Intervention': An Ethical Dilemma," *WCC Feature* (April 17, 2000).

⁵³ Frédéric Bastiat, "What Is Seen and What Is Not Seen," in *Selected Essays on Political Economy*, ed. George B. de Huzar (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1995).

involving soldiers and guns), to significantly increase the danger to human rights posed by the intervening state itself.

The relationship between war and the growth of the state has been extensively described over the past hundred years, and is neatly summed up in Randolph Bourne's famous quip "war is the health of the State."⁵⁴ War provides the state with an opportunity to expand its powers beyond its pre-conflict boundaries through conscription,⁵⁵ the nationalization of industries and other private property claimed to be "essential to the war effort,"⁵⁶ increased taxation to fund the war, and the suppression of domestic opposition to the war.⁵⁷ This opportunity to expand the size and scope of the state obviously also exists in cases where states choose to intervene militarily to stop human rights abuses in other states. First and foremost, the intervening state must pay for the military intervention in some way; either by increasing taxes, or by devaluing the nation's currency.⁵⁸ This increased funding is unlikely to disappear after the termination of the intervention, (which Walzer himself admits may take many years to resolve, if they are to be effective),⁵⁹ resulting in a larger, more powerful and more militarized intervening state *as a direct result of the intervention itself*.⁶⁰ What is even more troubling, humanitarian interventions qua military actions also afford offending states an opportunity to aggrandize themselves for the same reasons—they too must mobilize their resources and increase taxation to fund the war effort. Thus, the intervention itself will

⁵⁴ Randolph S. Bourne, "Unfinished Fragment on the State," in *Untimely Papers* (New York: B.W. Huebsch, 1919). On this, see also, Randolph S. Bourne, "The War and the Intellectuals," in *War and the Intellectuals: Essays by Randolph S. Bourne, 1915-1919*, ed. Carl Resek (New York: Harper Torchbooks, 1964). Murray N. Rothbard, "War, Peace, and the State," in *The Myth of National Defense: Essays on the Theory and History of Security Production*, ed. Hans-Hermann Hoppe (Auburn, Ala.: Ludwig von Mises Institute, 2003)., Robert Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York: Oxford University Press, 1987)., Robert Nisbet, *The Present Age* (New York: Harper & Row, 1988)., Bruce D. Porter, *War and the Rise of the State: The Military Foundations of Modern Politics* (New York: Free Press, 1994)., and the contributions to David Gordon, ed., *The Costs of War: America's Pyrrhic Victories*, 2nd ed. (New Brunswick, N.J.: Transaction, 1999).

⁵⁵ Robert Higgs, "War and Leviathan in Twentieth-Century America: Conscription as the Keystone," in *The Costs of War: America's Pyrrhic Victories*, ed. David Gordon (New Brunswick, N.J.: Transaction, 1999).

⁵⁶ On this, see especially, John T. Flynn, *As We Go Marching* (New York: Free Life, 1973).

⁵⁷ Rothbard, "War, Peace, and the State.", pp. 79-80.

⁵⁸ Joseph T. Salerno, "War and the Money Machine: Concealing the Costs of War beneath the Veil of Inflation," in *The Costs of War: America's Pyrrhic Victories*, ed. John Denson (New Brunswick, N.J.: Transaction, 1999).

⁵⁹ Walzer, "The Politics of Rescue.", p. 39.

⁶⁰ Robert Higgs refers to this phenomenon as a "ratcheting effect." See, Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government.*, pp. 30-33.

serve to aggrandize and militarize both the intervening state and the offending state in order to wage war.

This relationship between war and the growth of the state is a serious problem for Walzer and his critics, who advocate state humanitarian intervention as a remedy for human rights abuse in other states. For, if states now pose such a mortal danger to the human rights of their own subjects, as Walzer and his critics all claim that they do, then it is naïve at best, and positively counterproductive at worst, to advocate a remedy that has the relentless tendency to aggrandize and, what is more insidious, *militarize* the agents which represent “the greatest danger in the world today.”⁶¹ The necessary praxeological relationship between war, the growth of the state, and the emergence of large scale humanitarian atrocities is blithely ignored.⁶²

To sum up my argument thus far, I have argued that no state has moral standing to undertake humanitarian interventions, because all states owe their existence to extreme human rights abuse through robbery and the monopolization of defense “services.” I have also argued that it is impossible to tell whether socialized humanitarian interventions are desired by the people who pay for them (i.e., that they “fit” the people who pay for them), or whether they actually save more lives than would have some other voluntary use for the money used to fund them. Finally, I have argued that state humanitarian interventions qua military actions will serve to aggrandize and militarize both the intervening and offending states, thus exacerbating the danger to human rights posed by both.

III. PRIVATE DEFENSE AND HUMANITARIAN INTERVENTION

In this section I turn to an examination of the possibility that humanitarian interventions, and defense services in general, can be provided privately on the free-market. I argue that the provision of humanitarian intervention on the free-market would solve all of the practical and moral problems with socialized humanitarian interventions identified above.

⁶¹ Walzer, *Just and Unjust Wars.*, p. xi.

⁶² On this necessary relationship, see also Ludwig von Mises, *Omnipotent Government: The Rise of the Total State and Total War* (Grove City, Penn.: Libertarian Press, 1985)., and Ludwig von Mises, "The Economics of War," in *Human Action: A Treatise on Economics* (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1996).

The argument for private defense and private humanitarian intervention is based, in the first place, on the almost obvious economic observation that state monopolies in the provision of defense services, (like any good or service), will necessarily result in defense services that are of inferior quality and of higher price than would be provided in a free market, where defense providers competed for voluntary customers.⁶³ As Benjamin Tucker presciently observed in 1893, (just a few years before states began butchering their own people in earnest), when the state outlaws private competition in the provision of defense services, (which, as noted above, virtually defines of the modern state), the state will unsurprisingly supply a “worthless, or nearly worthless, article” from the point of view of its own purported “consumers”:

"Defense is a service, like any other service. It is labor both useful and desired, and therefore an economic commodity subject to the law of supply and demand. In a free market this commodity would be furnished at the cost of production. The production and sale of this commodity are now monopolized by the State. The State, like almost all monopolists, charges exorbitant prices. Like almost all monopolists, it supplies a worthless, or nearly worthless, article."⁶⁴

Besides lowering the quality and increasing the price of defense services, monopolization also has another much more baneful economic and moral consequence; namely, it creates an obvious opportunity for the state to use its monopolistic position against the very people it supposedly protects. That is, by ridding the market of all competition in the provision of defense services, monopolization simultaneously eradicates from the market all potential checks on the state should it choose, for whatever reason, to turn its guns on its own people. This is precisely what occurs in the appalling crimes which are claimed by Walzer and his left-leaning critics to warrant state humanitarian intervention. Indeed, these types of crimes, (e.g., genocide and mass enslavement), almost always occur in one of two ways: 1) the state actively persecutes its own people, or a certain unfavorable portion of them, and, in the absence of any armed

⁶³ On this, see in particular, Tannehill, *The Market for Liberty.*, Molinari, *The Production of Security.*, Tucker, *Instead of a Book, by a Man Too Busy to Write One; a Fragmentary Exposition of Philosophical Anarchism.*, Hans-Hermann Hoppe, *Democracy—the God That Failed: The Economics and Politics of Monarchy, Democracy and Natural Order* (New Brunswick, N.J.: Transaction Publishers, 2001)., and the contributors to Hoppe, ed., *The Myth of National Defense: Essays on the Theory and History of Security Production.*

⁶⁴ Tucker, *Instead of a Book, by a Man Too Busy to Write One; a Fragmentary Exposition of Philosophical Anarchism.*, p. 22. C.f., Molinari, *The Production of Security.*, p. 4.

competition to which the population can turn for protection, butchers them with virtual impunity, or 2) the state is too weak or corrupt to protect its own people from domestic or foreign butchery, and, by nevertheless maintaining its prohibition on the purchase effective defense services from abroad, allows them to be butchered with virtual impunity.⁶⁵ In the former case, monopolization is the direct cause of the humanitarian disaster, because the state itself is responsible for both the eradication of competition and the humanitarian disaster itself. In the latter case, monopolization is an indirect cause of the humanitarian disaster, because the state callously persists—*even in the face of butchery of its own people*—in maintaining its ban on the purchase of effective defense services by its own persecuted people.

If we follow Walzer and his left-leaning critics, the solution to this problem lies in vigilant and perpetual intervention by the world’s “good” states or international organizations like the UN to stop abuses in and by other states. It should be clear from the preceding discussion, however, that this advocated solution is nothing more than a *post hoc* and superficial solution to a problem that ultimately stems from the state’s monopolistic position vis á vis defense services and its astounding power and wealth vis á vis its own people in the modern world (both of which derive, of course, from its ability to tax). Their advocated solution would do nothing to open the market to effective competition in the provision of defense services to which persecuted peoples could appeal for help against their own states, nor would it curb dangerous state power and militarization. On the contrary, their advocated solution, as was discussed above, would *itself* serve to aggrandize and militarize both intervening and offending states.

The ultimate solution to this problem, both economically and morally, lies in breaking up the global monopoly in the provision of defense services by states. This would require, first and foremost, the immediate repeal of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which was ratified by the General Assembly of the United Nations on December 4, 1989, and universal acknowledgement of an absolute right to secession, so that persecuted peoples can hire effective defense contractors and volunteers to protect their lives, and leave political

⁶⁵ A third, though related, way that these crimes occur is when a foreign state (or collection of states) intervenes in such a way that removes a people’s ability to protect themselves. This is precisely what occurred in the aftermath of the United Nations’ arms embargo of Bosnia in the 1990’s.

associations they deem infelicitous.⁶⁶ In order for this to be accomplished and have the desired effect, it is necessary for people to recognize that defense services can be provided more effectively by privately-funded companies who compete for their customers' patronage, than by monopolistic states.⁶⁷ This is true, in the first place, because, as there exists no link between performance and payment for services under a system of state-provided defense, there exists no barrier to aggression. If a state wishes to aggress against another state—or even its own people—it will suffer no adverse financial consequences as a result. On the contrary, if the state decides to massacre or enslave its own people, (which was shown above to be an appallingly common practice in the twentieth century), those same persecuted peoples are forced to pay for the privilege in the form of taxation! If, on the other hand, a private defense provider were to attempt to persecute its own voluntarily subscribed customers, it would immediately lose its entire customer base to an alternative provider. Moreover, if such a private defense company were to attempt to massacre or enslave a foreign population en masse, it would immediately suffer adverse financial consequences as a result of the enormous costs in of war of both lives and resources—which would have to be shouldered by the intervening company alone.

The moral consequences of a shift away from monopolized state-provided defense services toward a competitive market for defense are profound. Most importantly, such a competitive system would have the fortuitous consequence of opening up a means for persecuted peoples to protect themselves against unjust aggression. It would also open up an avenue for foreigners sympathetic to the persecuted people's plight to voluntarily fund the defense of those people by directly contributing to their defense companies. Related to this, persecuted people and their sympathetic foreign advocates would possess

⁶⁶ "International Convention against the Recruitment, Use, Financing and Training of Mercenaries," <<http://www.ohchr.org/english/law/mercenaries.htm>> (Accessed March 1, 2007). On the injustice of this convention, see in particular Michael S. Rozeff, "Mercenaries, Private Defense, and Genocide," *LewRockwell.com* (December 25, 2006). and Gerhard Øverland, "Killing Soldiers," *Ethics and International Affairs* 20, no. 4 (2006), p. 458. On the importance of secession in protecting human rights, see the contributions to David Gordon, ed., *Secession, State and Liberty* (New Brunswick, N.J.: Transaction, 1998), and especially, Murray N. Rothbard, "Nations by Consent: Decomposing the Nation-State," in *Secession, State, and Liberty*, ed. David Gordon (New Brunswick, N.J.: Transaction, 1998).

⁶⁷ On this, see especially Hans-Hermann Hoppe, "Government and the Private Production of Defense," in *The Myth of National Defense: Essays on the Theory and History of Security Production*, ed. Hans-Hermann Hoppe (Auburn, Ala.: Ludwig von Mises Institute, 2003). See also the references in note 63 above.

a means to disengage from interventions they thought were unjust or inefficient, because they could at any point simply stop funding them.

Even more important, competition in the private provision of defense services would ensure that the money used to fund humanitarian interventions was totally voluntarily paid, thus avoiding the intractable “consent” problem that has always dogged every attempt to morally justify the state.⁶⁸ This alone would be a vast moral improvement on the current practice of forcing taxpayers who disapprove of interventions to pay for them anyway, and forcing people who do approve of humanitarian interventions to accept the specific type the state happens to choose—whether or not these people deem this specific type of intervention either prudent or worthwhile. The shift to competitive defense companies qua free exchange would ensure that the defense company and its customers necessarily “fit” each other, since the interaction between the two parties represents a completely voluntary and contractual exchange that can be dissolved at any time and at the discretion of either party. According to Michael Walzer, for whom self-determination is the *sine qua non* of just politics, a shift toward voluntarily-funded private defense companies would thus represent a significant move in the direction of true voluntary self-determination, since every exchange would represent a meaningful and voluntary expression of each individual’s self-determination with regard to his own defense needs.

In addition, the private provision of defense services would give those private providers a means to calculate whether or not they were effectively satisfying their customers’ defense needs (or, in the case of privately-funded humanitarian interventions, whether their voluntary contributors approve of their means and ends) by simply reckoning in market prices. Unlike the current socialized system of humanitarian intervention, which has no connection to the preferences of either the consumers or contributors of such “services,” private defense companies would be able to tell simply by looking at their profit and loss sheets whether they were efficiently satisfying their customers’ defense needs.

⁶⁸ On the problem of imputing citizens’ consent to be governed by any state, see A. John Simmons, *On the Edge of Anarchy: Locke, Consent, and the Limits of Society*, ed. Marshall Cohen, *Studies in Moral, Political and Legal Philosophy* (Princeton, N.J.: Princeton University Press, 1993), and Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper & Row, 1970).

As noted above, such private defense companies would also be dissuaded from undertaking aggressive actions against either their own customers or other people, simply because: 1) aggression against their own customers would immediately induce their customers to simply change companies, and 2) aggression against non-customers would alienate both potential customers and their current customers who would have to pay higher prices than they would with a non-aggressive company.⁶⁹ Most profoundly, aggression would be dissuaded by the fact that private defense providers could not simply externalize the enormous cost of aggression onto their customers through taxation or currency devaluation.⁷⁰ Similarly, competition in the provision of defense services would shatter the dangerous connection between war and the growth of the state, since any even perceived over-militarization or over-charging on the part of a private defense provider would be pounced upon and advertised by competitors eager to snatch up the belligerent company's customers.

IV. CONCLUSION

Michael Walzer identifies humanitarian intervention as the “chief dilemma of international politics.”⁷¹ The wholesale slaughter of innocent civilians by government in the twentieth century alone testifies to the truth of Walzer's claim. Recognizing the danger states now pose to their own citizens, however, by no means commits us to endorse *state* humanitarian intervention as a remedy for this problem. On the contrary, as I hope to have shown here, *states are themselves the problem*, and, consequently, state-led military interventions will not result in less human rights violations around the world. Indeed, as I also hope to have shown, state humanitarian interventions will themselves cause human rights abuse, and exacerbate the future danger states will pose by increasing their size and aggrandizing their militaries.

What is needed in order to accomplish the goal of reducing massive human rights violations that “shock the conscience of mankind” is, at the very least, a reduction in the

⁶⁹ On this, see the excellent essay by Hans-Hermann Hoppe “Government and the Private Production of Defense.”

⁷⁰ Hoppe, “Government and the Private Production of Defense.”, pp. 360-361.

⁷¹ Walzer, *Just and Unjust Wars.*, p. xi.

size and power of states, or what would be more effective, a break up of the universal monopolization of the provision of defense services that states now possess.

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