Use of Force Legitimacy in American Political Dispute

D.A. Sukhovey

Department of International Relations, Far Eastern National University, Uborevicha 25, Vladivostok, Russia 690065

Submitted: Oct 22, 2013; Accepted: Nov 26, 2013; Published: Dec 2, 2013

Abstract: The article reviews the opinions of American political scientists, who examine the question of legitimacy in case when US armed force is applied. In the survey we observe the main concepts developed by American experts concerning the legitimacy of the military operation deployment and their correlation with existing international law system.

Key words: American political science • Legitimacy • Humanitarian intervention • Regime change • Preventive defense • Use of force • NATO • UN

INTRODUCTION

Weber, one of the classics of political theory considered legitimacy to be people approval of a state authority to govern them. He probably has not expected that issue of legitimacy would be appealed to not at the national level but in the global dimension. The unique position of the United States of America allowed US political experts to change the scopes of theory and make legitimacy be considered as world community approval of US action.

The legitimacy concept was created contrary to «unilateral use of force» approach. One of the legitimacy followers Francis Fukuyama describes why it is important to adhere the concept: «Other people will follow the American lead if they believe that it is legitimate; if they do not, they will resist, complain, obstruct or actively oppose what we do» [5]. Thus legitimacy proponents pay special attention to the opinion of other states in order to gain their trust and support. Fukuyama continues the idea: «it matters not what we believe to be legitimate, but rather what other people believe is legitimate. If the Indian government says that it will not participate in a peacekeeping force in Iraq unless it has a UN Security Council mandate to do so, it does not matter in the slightest that we believe the Security Council to be an illegitimate institution: the Indians simply will not help us out»[5].

According to the abovementioned theory states can support US if they consider their moral obligation to be significant enough to start military operation. For example Abraham Sofaer is sure that military campaign in Yugoslavia was illegal but «legitimate because of US and NATO stopping human rights abuses» [10].

Different authors advise the Government different recipes how to gain legitimacy in case of military operation. We will describe all the cases.

UN Case: All experts adhere to legitimacy concept view the UN Security Council to be the most legitimate organ to solve security problems. However the experts do not consider UN SC to be the only one.

For example Ivo Daalder, James Steinberg [3] and Johan Ikenberry [6] name the UN as the most legitimate but discredited, ineffective and out-of-date institution.

In accordance to authors’ position the reasons for ineffectiveness, especially in the questions of terrorism, proliferation of mass destruction weapon, human right abuses, are rooted in archaic principle of a state sovereignty. As all mentioned questions lay in the sphere of internal affairs this principle is a «handicap to interfere and effectively solve the problems» [6].

Experts suppose that the UN is in crisis and name several bright moments which they describe as significant fails: «Bosnia in 1990, Rwanda in 1994 and Kosovo in 1999» [9].
Fukuyama and Lindberg join to UN critics and see the reasons of ineffectiveness in undemocratic state dominance. Thus the authors consider that these states block the resolutions on human rights protection as «it was in Kosovo» [5].

Search for Legitimacy 1. Democracy Caucus and UN Reform: Bearing in mind problems occur in «the most legitimate structure», the experts of the Council for strategic and international studies advise to focus on more profound cooperation among the UN’s democratic member states, on the promotion of more vigorous human rights initiatives and on more rigorous counterterrorism efforts.

CSIS report calls on the United States to work with other democracies to institutionalize a “democracy caucus” at the UN as a forum for building cooperation on HR and democracy issues. Such a caucus could ensure that democracies in regional blocs work together to advance common objectives and promote the candidacies of countries that follow the best practices on the issues of democracy and human rights. Additional aim is to «block the election of undemocratic states to UN bodies that focus on democratic development» [4].

Proposed Informal Caucus Will Raise UN Effectiveness Via:

- Work to ensure that democracies in regional blocs do not vote for the candidacies to the Human Rights Commission of countries that routinely violate human rights principles
- Ensure Democracies coordinated lobbying for key resolutions that reflect genuine support for fundamental human rights, including moral and ethical norms on issues of religious freedom, women’s equality, freedom of association, freedom of speech and of the media, nondiscrimination and other basic human rights.
- Investigation of the political situation in undemocratic states and paying special attention to the most dangerous situations.
- Working out a common approach to terrorism phenomenon.

Another approach was expressed by Johan Ikenberry. The author proposes to reform the UN SC by enlarging the number of permanent members. Newcomers are supposed to be invited from the states of developed and developing democracies: Germany, Japan, India, Brazil and South Africa. After enlarging the author advises to abolish veto power and use direct voting. According to Ikenberry’s point of view new system is supposed to be more effective in the case of humanitarian catastrophes when «international help is needed» [7]. The system will erode traditional sovereignty concept and fix the «Responsibility to protect concept instead» [8].

Search for Legitimacy 2. If not UN: James Steinberg and Ivo Daalder offer legitimacy hierarchy. In accordance with their point of view the decision to use force should be made by UN Security Council at least in the first instance, then by regional organizations in the case of UN does not decide to intervene.

However regional organizations are not panacea because there cannot be regional organization to react in the case of emergency. The authors describes the way out: «Instead of the United Nations, the decision to intervene promptly to keep small threats from turning into big ones must lie with those who take seriously the notion of sovereignty as responsibility: the world’s democracies (including in particular the United States and its major democratic partners in Europe and Asia). Democracies know—in a way that nondemocracies do not—that real sovereignty, like real legitimacy, resides with the people rather than with the states. That is why the decision of states to intervene in the affairs in another state can be legitimate only if it is rendered by the people’s democratically chosen representatives rather than the personal whims of autocrats or oligarchs» [1]. Thus they promote the idea of the league of Democracy to decide about military intervention instead of the UN.

About the membership: «The The fact that a state calls itself democratic—as the People’s Democratic Republic of Korea and the Democratic Republic of the Congo both do—doesn’t make it so, of course» [2]. Upon author’s point of league of Democracy will consist of countries truly observing human rights, free and fair elections. All potential members should provide strong guarantees of their compliance with democratic principles.

Contrary to mentioned position J.Ikenberry and Anna-Mary Slaughter consider that it is too early to change existent system, it is better to reform it and create new institution only «in the case of fail» [7].

CONCLUSION

Instead of discussing the legality of military campaign the American political writers apply the question of legitimacy when use of force is highly possible. They made the
concept of classical political theory to be current US practice when Washington is searching for other state’s support. This concept is highly queer and dangerous for modern political system. However experts consider that this concept promotes the Washington’s respect to world community’s opinion (and show US would not go it alone) the concept is shaping and grading existing norms of international law.

REFERENCES