

The US Army War College Quarterly: Parameters

Volume 37
Number 2 *Parameters Summer 2007*

Article 12

5-1-2007

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Recommended Citation

Eric Wester, "Last Resort and Preemption: Using Armed Force as a Moral and Penultimate Choice," *Parameters* 37, no. 2 (2007), doi:10.55540/0031-1723.2360.

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Last Resort and Preemption: Using Armed Force as a Moral and Penultimate Choice

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This article argues that using armed force in peace enforcement operations (PEO) need not be reserved for a Last Resort even while preserving the integrity of Just War theory. It aims to deepen the ethical discussion regarding the relevance of Last Resort as a consideration for the use of armed force, specifically in PEO. Armed force in such operations can interrupt barbarism or genocide and may even be utilized to preempt or prevent possible war. Using armed force in humanitarian interventions is not the moral equivalent of launching war, but the choice to enter such disputes must be subject to intense ethical scrutiny. Such operations are undertaken in an effort to prevent a bad situation from deteriorating. The ethical framework of Just War theory provides criteria for moral deliberation related to the use of military force in such actions. The possibility exists that applying armed force before reaching a point of Last Resort may be just in a humanitarian operation if it accompanies other efforts.

Preemption remains an inherent part of US strategic thinking, while PEO are normally viewed as a preventive measure.¹ Persistent ethical questions regarding preemption are directly linked to Just War theory, particularly when it comes to the standard of war as a Last Resort. Analysis of this criterion generally follows the trend of categorizing war as a Last Resort based on the judgment that war is the worst prudential and moral option due to the associated death and civil destruction. Peace enforcement operations may be a higher moral option and perhaps even a moral duty. Strategic thinkers are challenged to probe these questions and provide insight in their efforts to strengthen the moral decisionmaking process.

Narrowing the focus on peace enforcement operations is beneficial. By looking at this particular category of operations, perhaps the principles regarding Last Resort in this article can find wider application in considering when to exercise the preventive use of armed force. PEO offer a fruitful context for ethical reflection for at least four reasons. First, PEO, also known as armed humanitarian intervention, beg the same questions when national leaders are facing the difficult policy decision, “Do we go in or not?” With this question is a corollary decision, “Is it right to go in or not?” Second, PEO provide a chance for national leaders to avert war by using military force preemptively or preventively, guiding elements of America’s national security strategy. Third, PEO require a specific decision regarding the applicability of Last Resort by using ethical reasoning. Fourth, are the continuing debates about when, where, and why to use military force in support of PEO. This author predicts that demands for PEO will increase in the near- and mid-term (the next two decades).

Definitions and Questions Raised in Considering PEO

- Peacekeeping Operations are military operations undertaken with the consent of all major parties to a dispute, designed to monitor and facilitate implementation of an agreement (cease-fire, truce, and other related agreements) and support diplomatic efforts to reach a long-term political settlement.
- Peace Enforcement Operations are the application of military force or the threat of its use, normally pursuant to international authorization, to compel compliance with resolutions or sanctions designed to maintain or restore peace and order.² Consent is not required for PEO.

Peace Operations

Military doctrine (expressed in Joint Publication 3-07.3 and Field Manual 3-07) describes Peace Operations (PO) in two different forms: Peace Keeping Operations (PKO) and Peace Enforcement Operations (PEO). Following the emphatic language of the joint publication, this article recognizes the clear distinction between PKO and PEO. Specifically, although both PKO and PEO are forms of PO, they are not part of a continuum.³ A demarcation separates these operations. According to Joint Publication 3-07.3, PKO and PEO are separate categories of operations, not activities along a spectrum of PO.

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There is a breakthrough idea that stands in contrast to most conventional ways to frame armed conflict: “In PEO, the enemy is the dispute, not the belligerent parties or parties to a dispute.”⁴ Although PKO and PEO unfold in a common environment, three critical factors make for the distinction: consent, impartiality, and the use of force. PEO do not require consent of the belligerents. Also, given this breakthrough concept, the interveners maintain impartiality by focusing on the current behavior of the involved partners—employing force because of what is being done, not because of who is doing it. Use of force requires rules of engagement reflecting ethical consideration of *jus in bello*.

It is important to note that the two military publications make it clear, “All US military PO support strategic and policy objectives and their implementing diplomatic activities.”⁵ Peace Operations are in support of diplomatic efforts. US military PO accompany diplomatic efforts, but are not alternatives to such efforts. Diplomatic actions may include preventive diplomacy, peacemaking, and peace building.

The military publications acknowledge a potential “gray area” that may develop between PKO and PEO amidst rapid changes in a dynamic environment. Forces entering a PKO rely on close political-military coordination to stay within the mandate under which the forces are operating. Commanders must be prepared to transition to PEO if a change of mission is directed as a result of cease-fires breaking down, geography changing hands, or new parties to the dispute emerging.

Legal Mandate for Peace Operations

Although the legal framework for PO is worthy of significant consideration, the topic is beyond the scope of this article. The reader may review Joint Publication 3-07.3 (Chapter 3, Section 4) for a thorough discussion of the legal basis of peace operations for US forces. From an international perspective, Chapter VII of the United Nations Charter provides the UN Security Council a wide range of enforcement options ranging from diplomatic and economic measures to the application of armed force by member nations. This is the most likely mandate under which US forces would participate in PEO.

Beyond these sterile definitions, we turn to related topics: research that has been conducted previously, specific questions about the applicability of Just War theory, and an examination of the principle of permitting using force as a Last Resort in PEO.

Related Topics and Research by Others

As a way of approaching this analysis, the reader needs to consider some previously expressed perspectives on preemption and Last Resort, including excerpts from two joint publications.

Preemption and Last Resort

In recommended areas for further study noted in a 2004 article, “Preemption and Just War: Considering the Case of Iraq,” this writer identified questions about Last Resort and imminent threat: “How does imminence apply in cases where time and space before attack are not clearly discernible? In other words, when is it timely and when is it too late to act?”⁶ Questions in this domain remain relevant to PEO, especially in light of the 2006 *National Security Strategy*, which restates preemption as an element of US policy.

The Principle of Last Resort

Why is a test for Last Resort important? Philosophy professor John W. Lango concisely frames an answer:

Why should a just war theory include a principle of last resort? A fundamental purpose of the *ad bellum* just war principles should be to morally constrain agents from engaging in unjust wars. When agents deliberate about whether to engage in a war, they should make the strong moral presumption that they must not. To override this presumption, they have the rigorous burden of proving that those principles really are satisfied—that is they have the rigorous burden of proving that there really is a just cause for engaging in the war, that war really is a last resort, and so forth.⁷

Ethicist Michael Walzer observes, “We say of war that it is the ‘last resort’ because of the unpredictable, unexpected, unintended, and unavoidable horrors that it regularly brings.”⁸ It is the unplanned consequences of using deadly and destructive power which oblige responsible decisionmakers to consider the moral and practical framework before deciding to employ armed force. When agents deliberate about whether war is a Last Resort, they should make a strong moral presumption that trying some reasonable alternative absolutely is necessary before resorting to war.

Armed Humanitarian Intervention and Last Resort

C. A. J. (Tony) Coady, formerly a senior fellow at the United States Institute of Peace in Washington, DC, has published a monograph, “The Ethics of Armed Humanitarian Intervention.” His work presents suggestions “about the circumstances in which intervention might be morally licit.”⁹ Essentially, he is saying that using armed force to interrupt violent conflict, even under the rubric of humanitarian intervention, should still meet the standards of Just War theory, to include Last Resort. Coady presents his views cogently and effectively counters the numerous objections to his thoughts and recommendations.

Military Doctrine in Joint Publications

Even while the discussion continues among ethicists, Joint Publication 3-07.3 and Field Manual 3-07 advocate military doctrine based on the strategy of

preempting and preventing threats to US national interests. These publications focus on Peace, Stability, and Support Operations. They apply principles taken from the 2004 and 2006 *National Security Strategy* documents that indicate military force ought to be used to preempt threats and prevent conflicts.

For a closer examination of this doctrine the reader needs to turn to JP 3-07.3 and consider the thoughts of George Shultz, former Secretary of State, and Thomas Pickering, former Ambassador to the United Nations, as they may apply to Last Resort.

The time to act, to help our friends by adding our strength to the equation, is not when the threat is at our doorstep, when the stakes are highest and the needed resources enormous. We must be prepared to commit our political, economic and if necessary, military power when the threat is still manageable and when its prudent use can prevent the threat from growing.¹⁰

While we cannot engage ourselves in all conflicts, we now have a choice. It is also true that if we move early in dealing with these conflicts, and if we have an effective method for carrying out international peace enforcement, especially in a preventative way, we have a new tool which can help in the early resolution of enormously difficult, potentially intractable situations that could well offset our national interest and our future.¹¹

These viewpoints signal the dynamic relationship between the principle of using force as a Last Resort and the view that military force is a readily available instrument of national power. Shultz and Pickering describe armed force as a tool for use by legitimate authority, to be used early, when a threat is still manageable, and proportionately as a matter of pursuing ends based on national interests.

For a greater understanding of both of these principles, we need to analyze them from two perspectives: Whether or not PEO are best considered under the ethical framework of Just War theory, and the implication of the strategy that in PEO armed force is employed not to defeat adversaries but to eliminate the dispute between parties.

Just War Theory and Peace Enforcement Operations

In planning PEO, the bottom line is, “Do we go in or not?” Political and practical factors help to form a diplomatic decision about using armed force. Ethical deliberations address related questions to aid in determining if it is right and just to launch peace enforcement operations. Coady frames deliberations regarding “armed humanitarian intervention” (read as equivalent to PEO) as a case where Just War theory applies and remains the most helpful framework for analyzing the morality of such actions. Even with the historical

suppositions shaping Just War theory, this framework offers the best means for evaluating *jus ad bellum* criteria and requirements regarding ethical judgments related to the application of force for PEO.¹² Coady also states *jus in bello* criteria apply, though this is not central to the arguments or his treatise.

To put this argument in the proper perspective one needs to understand the basic *jus ad bellum* criteria and then examine the criterion of Last Resort:

- *Just cause*. This relates to the proper motive for launching an intervention. The humanitarian cry to “do something” in the face of brutality, barbarism, or human suffering almost makes this a moot point—humanitarian causes justify interventions with at least one complication and one objection. The complication: humanitarian purposes can co-mingle or cloak discordant motives. The objection: inconsistency occurs across cases exhibiting the same morally relevant features. Further analysis is required to connect ethics and strategy in considering just cause, particularly when determining moral rights and a moral duty to intervene, the relevance of international relationships, the capacity to respond, and short- and long-term effects.¹³

- *Right authority*. Any decision to launch an armed humanitarian intervention needs at a minimum a platform from which to rebut criticisms related to any ethically dubious motives. Use of established international forums to legitimize PEO may aid in diplomatic efforts or any associated instrument designed to coerce change. The United Nations presents at least the shadow of international authority. Joint Publication 3-07.3 offers detailed discussions of this topic as it applies to the US military.

- *Public declaration of intent*. Presumably, with the intent and authority requirements already addressed, any PEO would be launched with widespread advance notice. The purpose of such action is to pressure an oppressive regime to cease harm. Such public declarations of intent do a great deal to support the purpose of PEO.

- *Prospect for success*. Coady states, “It is particularly important here that enthusiasm for rescue not swamp a prudent assessment of what armed intervention can and cannot achieve.”¹⁴ He weaves in the “realists” cautions to good effect. What risk assessments are crucial for both ethical and political considerations? His discussion also gets the reader closer to a consideration of Last Resort based on the prospects for success as the desired outcome of any PEO. Success correlates with aims or ends. Coady reflects:

Should we think of success in a short-term way as saving these lives now, or restoring these people to their homes, or should the criterion of success embrace longer-term objectives such as ensuring political stability and enduring safety for any in the area threatened with the same kind of persecution? Clearly, both accounts of success (short- and long-term) have their attractions, but equally

clearly they are in tension in that they dictate different policies and forms of intervention. In particular, the shorter-term objective is compatible with and, in some respects, suited to military procedures, whereas armed forces alone are unlikely to deliver the longer-term objectives.¹⁵

- *Proportionality (and its ambiguities)*. A basic principle underpinning humanitarian interventions is that their purpose is to reduce human suffering. They should, therefore, be humanitarian by definition. PEO should “do no harm” to the cause of reducing the dispute. That said, the principle does raise the even more ambiguous aspect of proportionality. What constitutes denial of human rights sufficient to reach a threshold requiring armed humanitarian operations or PEO? Coady provides examples related to the serious denial of human rights: “rigged elections, state torture of a small number of dissidents, or drastic restrictions of free speech.”¹⁶ One cannot lose sight of the fact that significant humanitarian suffering can also be imposed through economic controls. But the question is does any of these reach a threshold requiring military intervention?

Questions of proportionality as they relate to Last Resort must be viewed with regard to what are “over the line” actions or behavior. As it relates to specific or cumulative actions in a dispute, what would be sufficient to justify inserting armed forces for PEO? This question raises complex arguments related to the role of national interests, where humanitarian concerns rank in a list of vital and important national interests.¹⁷ It also reflects directly on issues related to state sovereignty and the emerging discussion of “conditional state sovereignty.”¹⁸

With regard to specific actions that may be considered “over the line,” one needs to examine the grave end of human rights deprivation— genocide. Does the proportionality test of Just War theory assign genocide to a category of oppression that makes an armed humanitarian intervention or PEO legitimate? A compulsory duty? Article 8 of the United Nations *Convention on the Prevention and Punishment of the Crime of Genocide* authorizes any Contracting Party to use the UN Charter to request actions “appropriate for the prevention and suppression of acts of genocide.”¹⁹ Similarly, David Luban says barbarism is the only kind of oppression that justifies armed intervention.²⁰ If intervention is a legitimate, proportionate response, or even a duty, we are then left with the consideration of PEO and the criterion of Last Resort.

- *Last Resort: Exploring alternatives*. This is the key element in the line of reasoning for this article. Is there any point before reaching Last Resort that a decision to launch PEO would be just? Is the use of armed force reserved exclusively as a Last Resort? Is there a test for having reached a Last Resort? Is there a difference between going to war and PEO when it comes to considerations of Last Resort?

Last Resort, the Logical Conundrum

Several authors have pointed out the semantic and logical problems of resorting to war as a literal Last Resort. Walzer's statement is illustrative: "Taken literally . . . 'last resort' would make war morally impossible. For we can never reach lastness or we can never know that we have reached it. There is always something else to do: another diplomatic note, another United Nations resolution, another meeting."²¹ However, Lango and others clarify that by applying measures of reasonableness and feasibility one can make Last Resort a relevant consideration in the use of military force.

Beyond the logical and semantical problem of Last Resort, another question is whether the Just War criterion should apply both in cases of the decision to go to war or to launch PEO. Coady and a number of other authors support the position that Just War theory applies and is the most useful framework for moral discussion. There is a presumption that using armed force in PEO requires a licit ethical case, including consideration of alternatives prior to reaching a Last Resort. The UN genocide convention and the Nuremberg Principles provide public, political, and principled legal frameworks; Just War Theory offers an even more practical framework for ethical deliberation.

In determining whether launching PEO meets the test for Last Resort, what feasible and reasonable alternatives must be attempted before reaching a justified conclusion to proceed with PEO? Chapter VI of the UN Charter addresses peaceful means of establishing or maintaining peace through conciliation, mediation, adjudication, and diplomacy. National leaders and diplomats are in a position to attempt reasonable alternatives before applying armed force. For ethical consideration, the peaceful means specified previously provide general categories for reasonable alternatives. In his work Lango expands on the discussion of pursuing standards for reasonableness.

- *Feasibility standard.* Coady asserts, "Clearly, some principle of feasibility is required to screen the realistic availability of alternatives to violence." He cautions, "And it needs to be remembered that waiting to try numerous such options may actually reduce the likely effectiveness of the military option when it is tried."²² Lango cites ethics professor James Childress who presupposes in his work some form of feasibility when he contends alternative measures do not have to be attempted first "if there is no reasonable expectation that they will be successful."²³ If there is clear and convincing evidence that attempts at alternative measures previously have failed, a case for using armed force has a better chance for being justifiable. Additionally, if the case is patently obvious and publicly persuasive that the particular alternative actions under consideration have no feasibility, then the standard has been met.

• *Awfulness standard.* Lango continues, “The general concept of awfulness standards can be summarized roughly as follows: an alternative measure does not have to be attempted first if there is no reasonable expectation that it will be less harmful.”²⁴ With regard to this standard Lango’s test merits the most attention. In spite of the awkward term (awfulness) he is pointing to a measure of human suffering that may force a new look at tests for Last Resort. The following discussion builds on Lango’s published work.

Is Armed Force the Last (Worst) Choice?

The principal basis for the moral presumption that war must be a Last Resort is that war involves acts of killing human beings and other greatly destructive acts. Thus, according to political philosopher Simon Caney, the last resort principle is grounded on the assumption that war is the most awful option.²⁵ However, sometimes a war (or PEO if subjected to the same ethical tests) that is sufficiently limited might not be the worst option. An alternative measure to a sufficiently limited use of armed force might be more horrific (e.g., economic sanctions as noted by Lango and, as another example, unproductive negotiations which allow violence against innocents to continue or escalate).

In the late 1990s the idea of “smart sanctions” emerged as an effort to mitigate unintended consequences which affected civil populations and left elites relatively untouched by the effects of economic sanctions. Examples of efforts to refine the use of economic sanctions may take the form of targeted financial sanctions, arms embargoes, travel bans, and diplomatic sanctions. Broad sanctions may do more harm than well-planned and executed PEO.

Lango differentiates his proposal from a cost/benefit analysis by saying,

But in utilizing a standard of comparative awfulness, we are not simply weighing (as if we were consequentialists) the harms and benefits of the *alternative* (author’s italics)²⁶ measure against the harms and benefits of using armed force. Instead, because of the moral presumption against the use of armed force, we have the burden of proving that it is not reasonable to expect that the alternative measure will be less harmful.²⁷

As previously noted, the use of armed force is not primarily an alternative but as an accompaniment to other instruments of power. This applies to the integrated use of both national and international power.

War vs. Intervention

This article earlier established two key principles from the military’s Joint Publication 3-07.3: (1) PEO are best considered under the ethical framework of Just War theory and (2) there are interesting implications to the idea that

CATEGORIES OF ARMED FORCE				
		War	Peace Enforcement (PEO)	Peacekeeping (PKO)
K E Y C O N C E P T S	Relationship to Diplomacy	Result of failed preventive diplomacy. Military is principal instrument of power.	Peacemaking diplomatic efforts accompanied by armed force. Supports diplomatic lead. (Consent not required.)	Peacebuilding as implementation of successful negotiation. Reinforces or supports diplomacy.
	Strategic Posture of Military	Defend national interests.	Attack and prevent wrong actions by parties to a conflict.	Defend agreed-upon terms.
	Mandate That Legitimizes Force	Essentially state on state.	International charge with public transparency.	International offer with consent of parties.
	Rules of Engagement	Limited by war-fighting capabilities, laws of war, and <i>jus in bello</i> standards.	Intended to be proportional. Often constrained by caveats.	Minimum acceptable levels of force.
Figure 1. War and Peace Operations.				

in PEO armed force is employed not to defeat adversaries but to eliminate the dispute between parties. Figure 1 summarizes how key concepts apply in war and Peace Operations (both Peace Enforcement and Peacekeeping Operations).

This figure specifies contrasting aspects between war, PEO, and PKO. Keep in mind two points for clarification. First, national security strategy remains joined to national interests. War is framed as a response to defending national interests; however, PO may rightly be understood and undertaken to protect vital and important national interests. PO may also be viewed as having moral legitimacy based on humanitarian concerns. Second, JP 3-07.3 categorizes “the dispute” as the adversary and, conceptually, places intervening powers attempting PEO as morally neutral between the disputing parties. For emphasis, consider the strategic posture of the military in PEO: to attack and prevent wrong actions by parties to a conflict.

Conclusion

There is a logical conflict between using armed force as a Last Resort in concert with Just War theory and the current national security doctrine of

preemption. Preemption, in effect, asserts that proper action is morally necessary before reaching a point of Last Resort. PEO, known also as armed humanitarian intervention, present situations where it may make ethical sense to act with armed force before circumstances deteriorate. Armed force may be applied before it is, in fact, the Last Resort. Using ethical tests from Just War theory, including Last Resort logic, may influence the decisionmaking process regarding the use of military force in PEO. But in deliberations about the use of armed force, two necessary factors relate to applying the Last Resort test: assessing feasible alternatives before turning to military power and testing the awful actions targeted to be stopped.

In research and writing to date, the moral framework of Just War theory appears to provide the best answers for the tasks of determining under what conditions to launch military action and when and how to apply ethical standards once military force is used. The opening of new lines for ethical reasoning warrants this additional effort, particularly in light of the fact that preemption will apparently continue as an underlying principle of US security strategy. The intersection of preemption and anticipatory self-defense with respect to Just War theory offers a promising area for future study.

National leaders will continue to face the pressing issues associated with humanitarian crises, especially in light of the military, political, and international turbulence that surrounds the United States' involvement in and beyond Iraq as well as concerns regarding a possible near-peer competitor for the US military. There are a number of crises demanding our attention, but none more pressing than the genocide in Darfur that begs for international action. Darfur is merely the crest of a wave that included the humanitarian crises in Somalia, Rwanda, Macedonia, Bosnia, Kosovo, and East Timor. Ethical questions abound regarding humanitarian matters and US national interests. Such decisions regard how power might best be used to resolve a problem or influence its outcome in keeping with the United States' national interests and the principles of justice. This is especially true when considering whether military power can be justified to preempt or prevent conflict.

Continued research also needs to address a persistent problem: defining on what grounds "disinterested" states might rescue foreigners from harm at the hands of a government or other entity that has the inherent responsibility to protect them. On what grounds and under which mandates might others intervene? This article noted two standards for action, barbarism and genocide. Are there others? And are national and international bureaucracies prepared to address the seminal questions, "Do we go in or not?" and "Is it right to go in or not?"

NOTES

Specific debts of gratitude are due C. A. J. (Tony) Coady, University of Melbourne and senior fellow at the United States Institute of Peace (1999-2000); John Lango, Hunter College, City University of New York and regular presenter at the annual International Symposium on Military Ethics, where an earlier draft of his paper kept this discussion moving; and the writers of Joint Publication 3-07.3 and Field Manual 3-07.

1. The 2006 *National Security Strategy* (NSS) restates preemption from the 2004 NSS: "Our strong preference and common practice is to address proliferation concerns through international diplomacy, in concert with key allies and regional partners. If necessary, however, under long-standing principles of self defense, we do not rule out the use of force before attacks occur, even if uncertainty remains as to the time and place of the enemy's attack. When the consequences of an attack with [weapons of mass destruction] are potentially so devastating, we cannot afford to stand idly by as grave dangers materialize. This is the principle and logic of preemption. The place of preemption in our national security strategy remains the same. We will always proceed deliberately, weighing the consequences of our actions. The reasons for our actions will be clear, the force measured, and the cause just." (George W. Bush, *National Security Strategy*, Washington: The White House, March 2006, p. 23.)

2. Department of Defense, "Joint Tactics, Techniques, and Procedures for Peace Operations," Joint Publication 3-07.3, February 1999, p. viii.

3. *Ibid.*, p. I-10.

4. *Ibid.*, p. x.

5. *Ibid.*, p. I-3

6. Franklin Eric Wester, "Preemption and Just War: Considering the Case of Iraq," *Parameters*, 34 (Winter 2004-05), 36-37.

7. John W. Lango, "The Just War Principle of Last Resort: The Question of Reasonableness Standards," *Asteriskos: Journal of International and Peace Studies*, 1:1-2 (2006), 7-23.

8. Michael Walzer, *Arguing About War* (New Haven: Yale Univ. Press, 2004), p. 155.

9. C. A. J. Coady, "The Ethics of Armed Humanitarian Intervention," Washington, DC: United States Institute of Peace, 2002, p. 6.

10. Department of Defense, p. I-1.

11. *Ibid.*, pp. I-2.

12. Coady writes, "One thing that emerges . . . is that any argument for humanitarian intervention has to overcome the presumptive case against aggressive war and has to discharge the other requirements of just war theory," p. 34. It is worth noting the definition of intervention applied by Coady in considering "armed humanitarian intervention." The definition correlates in substance with a description of PEO. Coady explains intervention as, "aimed at rescuing foreign people from the harm that is being done, or is about to be done, to them by the state authorities who are responsible for their protection," pp. 11-12. PEO has a similar tone of protecting innocents defined as actions to maintain or restore peace and security. Coady rightly asserts that Just War Theory remains the most helpful framework in weighing PEO and in particular the deliberation about "going in" using *jus ad bellum* criteria as completely applicable. He also states *jus in bello* criteria apply, though this is not central to arguments here nor in his treatise.

13. Coady develops this topic with five paragraphs and several helpful citations ranging from Immanuel Kant's universalization principal in ethical theory to General Wesley Clark's acknowledgement that NATO's bombing of Serbia was to preserve the credibility of NATO as well as stop ethnic cleansing.

14. Coady, p. 29.

15. *Ibid.*, p. 30.

16. *Ibid.*

17. *Ibid.*, p. 12.

18. Kenneth R. Himes, "Questions About Just War," *America*, 30 October 2006, p. 15.

19. United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

20. David Luban, "Intervention and Civilization: Some Unhappy Lessons of the Kosovo War," in *Global Justice and Transnational Politics*, eds. Pablo De Greiff and Ciaran Cronin (Cambridge, Mass.: MIT Press, 2002), pp. 79-115.

21. Walzer, p. 88.

22. Coady, p. 28.

23. James F. Childress, "Just War Criteria," *Moral Responsibility in Conflicts: Essays on Nonviolence, War, and Conscience* (Baton Rouge: Louisiana State Univ., 1982), p. 75.

24. Lango, p. 16.

25. Simon Caney, *Justice Beyond Borders: A Global Political Theory* (New York: Oxford Univ. Press, 2005), p. 202.

26. The italicized *alternative* relates to Coady's contention that in armed humanitarian interventions, military force should *accompany* diplomatic and other coercive measures, not serve as an alternative.

27. Lango, p. 16.