

## Civil War Crimes and the Myth of Limited Intervention

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Conceptual muddles have often been a problem in applied ethics, and the ethics of war is no exception. For instance, there have been disagreements about what the ethical response to terrorism should be, given that terrorism is itself hard to define. Even where there are agreed rules of war regarding what is and is not permissible, a lack of clarity in concepts has often enabled states to use Orwellian language to claim the moral high ground in carrying out self-serving actions. The problem I will address here is one that arose in 2013 when the United States was deciding how to respond to the use of chemical weapons on rebels by the Assad regime in Syria. If the U.S. were to launch a military attack on Syria, would that be justified?

An intuitive answer to this question appeals to the fact that the Assad regime had violated an international ban on the use of chemical weapons. An American attack could be justified in the name of enforcing this international agreement and punishing the violators.<sup>1</sup> There was less agreement about how much force should be used in the attack, and whether the Syrian regime should be deposed so that President Assad could be captured and tried as a war criminal. What weighed against U.S. military action were the illegality of violating Syrian sovereignty and the lack of recognized authority for the U.S. to enforce the international ban. And in general, there are moral and legal challenges to the legitimacy of initiating war in the name of punishment.

In this paper, I discuss how international criminal law distinguishes between war crimes and crimes against humanity as separate concepts. I then explain the difficulty of fitting the Syrian situation neatly into these categories of international law. In my analysis, an additional

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<sup>1</sup> Such justification would reflect the legalist paradigm proposed by Michael Walzer, *Just and Unjust Wars*, 3<sup>rd</sup> edition (New York: Basic Books, 2000), pp. 58-9, who portrays international society on the model of civil society, but without the “rivets of authority” so that “the ‘citizens’ of international society must rely on themselves and on one another” to face the challenge of international law-breakers.

category of “civil war crimes” is needed. Although outside interventions of the kind that may be permitted in response to crimes against humanity do not seem appropriate as responses to war crimes, they may be appropriate in the case of *civil* war crimes. But in rejecting the widely-held idea that limited interventions are preferable to full-scale invasions, I conclude that a military response to civil war crimes, such as what the U.S. proposed to do in Syria, should not be carried out unless the U.S. is committed to using the force needed to remove the criminals from power.

### 1. War Crimes and Crimes against Humanity

Larry May distinguishes three kinds of violations of international criminal law: crimes against peace that are violations of *jus ad bellum*, war crimes that are violations of *jus in bello*, and crimes against humanity.<sup>2</sup> Crimes against humanity are widespread and systematic acts of brutal oppression by the state that the world community has an interest in stopping. Since these crimes can be carried out in peacetime as well as in war, and the perpetrators need not be military personnel, they differ from violations that are specific to war which are deemed war crimes. The latter are actions carried out by troops in the course of military operations in an ongoing war that are contrary to the rules of war. These include attacks on civilians, torture and the killing of prisoners, and the use of prohibited weapons.

Since chemical weapons are banned by international agreement, the Syrian forces who carried out chemical attacks on rebels had committed war crimes rather than crimes against humanity.<sup>3</sup> Ideally, war crimes should be punished by a third party such as the International Criminal Court. Trials can be held after a war ends and the responsible parties handed over to

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<sup>2</sup> May bases this distinction between violations on the three-fold division of criminal law set out at the Nuremberg trials after the Second World War.

<sup>3</sup> Obviously, these weapons have also harmed civilians, but if the primary targets are rebel combatants, the harm to civilians does not make the use of chemical weapons into crimes against humanity, any more than the killing of civilians in aerial bombing of military targets count as crimes against humanity.

face justice. Of course, this is unlikely to happen if the war criminals are on the victorious side in the war, and it is a weakness of international law that war crimes are unlikely to be punished in such cases.<sup>4</sup> In the case of Syria, a rebel victory over the regime is not very likely without outside intervention. But if it is now possible for an international tribunal, rather than the victors in war, to have jurisdiction to punish war crimes when the war is over, why is it not legitimate for another state to intervene to capture the criminals while the war is taking place? However, such intervention could be seen as taking sides in a civil war as it would entail the removal of the Syrian regime. As the intervening state is not itself under attack or a party in the war, the intervention would constitute an act of aggression that violated Syrian sovereignty.

The situation would be different if the Syrian regime was responsible for crimes against humanity on a massive scale.<sup>5</sup> A case could then be made for outside intervention in the name of humanitarianism. For such crimes can be viewed as not just harming the immediate victims but harming humanity itself given the scale and systematic nature of the crimes. Ethicists of war have developed moral arguments for humanitarian intervention to legitimize the use of force against a sovereign state that is engaged in genocide. The United Nations has adopted the ‘Responsibility to Protect’ (R2P) doctrine under which such interventions can be legally carried out to prevent “large scale loss of life” or “large scale ethnic cleansing.”<sup>6</sup>

But the use of chemical weapons to gain a military advantage in the Syrian civil war does not constitute crimes that could justify outside intervention. The Obama administration did not try to make a case for humanitarian intervention in Syria, even when civilians were targeted with

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<sup>4</sup> American commanders in the Second World War had admitted that they could be tried for ordering the fire and atomic bombing of Japanese cities if the U.S. had lost the war.

<sup>5</sup> This is reflected in Walzer’s view in *Just and Unjust Wars*, p. 107, that humanitarian interventions are justified only as a response to “acts that ‘shock the moral conscience of mankind’,” and not just in any case of internal oppression.

<sup>6</sup> Gareth J. Evans & Mohamed Sahnoun, *The Responsibility to Protect Report* (Ottawa: International Commission on Intervention and State Sovereignty, 2001), p. xii.

conventional weapons of war. If the scale of the humanitarian crisis that resulted from the civil war did not provide a moral or legal basis for military intervention in response to crimes against humanity, it would seem odd that the use of chemical weapons in a single attack could provide such a basis. Instead, the U.S. viewed the violation of the international ban on chemical weapons as a “red line” that would make an outside military response legitimate in the name of punishing the violators and of enforcing the ban. The basis for military action was that if a regime that used prohibited weapons in violation of the rules of war did not pay a price for its crime, the international agreement would be weakened. If there were no consequences for breaking the rules of war, states would no longer be deterred from non-compliance and international law would no longer govern how wars were fought. An attack on Syria would serve as punishment for violating the rules of war, not as an intervention to protect victims of human rights violations.

Thus, the above case for the U.S. to use force against the Syrian regime is not the one that would be used to justify humanitarian intervention. But not only is the justification in the former case not legally established by the international community, but it also lacks an obvious basis in the morality of war. The punishment of war criminals does not seem to justify intervention in an ongoing war by an outside party, and unless there is United Nations authorization for military action, the enforcement of international law is usually carried out through sanctions. There is no obvious category for the war crimes in Syria that would justify removing the Assad regime from power so as to capture and punish the war criminals in the regime.

## 2. The Concept of Civil War Crimes

The main obstacle to extending the concept of humanitarian intervention to the punishment of a state for using banned weapons against rebels in a civil war is that the crime being punished is a

war crime, not a crime against humanity. But should war crimes be treated differently from crimes against humanity? One reason that crimes against humanity should concern outside parties is that they are usually carried out for reasons other than to gain a military advantage in war. They involve actions that are morally reprehensible whether or not they happen in a war. War crimes, on the other hand, involve fighting wars by means that are prohibited as ‘dirty’ or under-handed. By convention, the use of such methods in war is wrong.<sup>7</sup> What makes such ways of fighting wrong is that they violate rules of war that apply reciprocally to both sides in war. When they are violated, it can be appreciated how the stress of combat may lead embattled soldiers to do what the rules of war forbid. Outside parties may wish to see the rules of war upheld, but not being engaged in the life and death struggle of war, they do not have the moral standing to initiate action against those who violate the rules of war in the way that the side that abides by the rules while at war have standing. Certainly, when the war is over, war criminals may be turned over to an international tribunal by the victorious side for prosecution. Similar considerations need not however apply to crimes against humanity carried out for reasons of tribalism, racism, political ambition and greed, when human rights are violated regardless of military necessity. As these crimes are not specific to war, enforcement action including military interventions may be taken against violators by those who were not initially at war with them.

The question is whether the violation of rules of war in a civil war should be treated in the same way as war crimes that take place in a war between states. This is an area in the ethics of war where the concepts are inadequate to the task. It seems to me that besides war crimes and crimes against humanity, a new category of “civil war crimes” is needed, as there are similarities

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<sup>7</sup> There is debate about the extent to which rules of war are conventional or derive from universal moral principles. The rule against targeting innocents is more likely an instance of the latter than a rule prohibiting the use of certain weapons of war, though in the case of a ban on weapons of mass destruction that are indiscriminate in nature, it could be argued both ways. My statement in the text about the conventional nature of rules of war assumes that the banned weapon under discussion, namely chemical weapons, can be used in the battlefield unlike nuclear weapons.

and differences between war crimes in a civil war, and crimes in each of the other categories. When Syrian soldiers used chemical weapons against rebels, they did so to gain a military advantage by methods considered 'dirty'. This would make their actions a war crime. However, they were not engaged in fighting an enemy from outside Syria. They were fighting against Syrian people who were rising up against the regime that was in power in Syria. Had the rebels not organized themselves into a military force, the use of chemical weapons would constitute the use of chemical agents to carry out state-sanctioned killing designed to wipe out those who opposed the regime. In other words, if there was no civil war going on, the Syrian army would constitute a para-military security force defending an unpopular regime by committing human rights violations against the people. Carried out on a large-scale and combined with other atrocities, the actions of Syrian security forces could constitute crimes against humanity. Yet because the chemical weapons were used as weapons of war against armed rebels, their use in battle was not clearly a crime against humanity.<sup>8</sup>

Because the use of chemical weapons in a civil war does not fit neatly into either category of war crimes or crimes against humanity, it is difficult to figure out what the appropriate response of the international community should be. War crimes are punished after the war, as the soldiers who commit them are fighting in an ongoing war, unless they are punished by their own side. The violation of rules of war may motivate other states to get involved by allying themselves with the side that abides by the rules. But military intervention does not seem to be something that is a duty incumbent on the international community, especially as violations of *jus in bello* is only one part of the justice of war. It is possible that the side that fights justly did

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<sup>8</sup> I am not saying that crimes against humanity cannot take place in war. The Syrian use of chemical weapons would be a crime against humanity if the targets were predominantly civilians outside of battle zones, and if carried out systematically as a means of oppressing the general population. That is why ethnic cleansing in the Balkan conflict was treated as a crime against humanity that justified the international community in intervening.

not have just cause to be fighting, and the side that fights ‘dirty’ had just cause in going to war. Given such uncertainties, military non-intervention in a conflict between states is the moral norm when war crimes, that are not also crimes against humanity, are committed.<sup>9</sup> Crimes against humanity, on the other hand, seem to be something that the international community has an interest in both preventing and punishing. When human rights violations take place on a massive scale within a state, the case for outside intervention is strong, both morally and legally. Human rights are “the demands of all of humanity on all of humanity.”<sup>10</sup> The new R2P doctrine provides a legal basis for other states to protect the human rights of people in a state when their government fails to do so.

I think there are reasons for the international community to intervene when civil war crimes as opposed to standard war crimes are committed. The use of banned weapons such as chemical weapons can be a reason to discredit the side that uses them. There are two kinds of civil war. One kind involves a region trying to break away to form a separate state, as in the American Civil War. In that case, there are often opposing armies belonging to each region, making the fighting similar to an inter-state war. The other kind is a struggle for power between opposing factions. In some cases, this takes the form of a revolution of the people against the regime. In other cases, there may be political groups that organize around religious, ethnic or tribal lines in conflict with each other. Revolutions are likely to take place in states that oppress their people. The use of chemical weapons against civilians who are not militarily equipped or organized would further discredit the regime, intensifying the oppression to a level that could justify humanitarian intervention. In the case of a political struggle, either side may have a claim on power, though the resort to non-democratic violence on both sides would be unjust unless one

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<sup>9</sup> On the other hand, if justice and injustice in going to war is clear, then there may be a case for intervention on the side of, for instance, the victim of aggression, regardless of which side is adhering to the rules of *jus in bello*.

<sup>10</sup> David Luban, “Just War and Human Rights,” *Philosophy and Public Affairs* 9:2 (1980), p. 174.

side was forced to do so in self-defense. The international norm is to limit intervention to diplomatic efforts and the provision of aid to refugees. Military intervention is called for only if there are massive violations of human rights, not if the fighting is more brutal than the rules of war allow. Nevertheless, the international community may condemn the injustice of the side that resorts to prohibited means of fighting.

The Syrian civil war can be considered both as a revolution of the people against tyrannical rule, and as a political struggle between militia groups across an ethnic and political divide. Advocates of non-intervention view it on the model of state-state violence, where war crimes do not justify outside military intervention while the war is ongoing. Those who view the situation as a revolutionary struggle to overthrow an oppressive regime would justify military intervention when the regime resorts to acts that ‘shock the moral conscience of mankind’. Apparently, the international community did not reach a consensus that the Syrian crisis involved crimes against humanity comparable to those in the Rwandan genocide, which in hindsight would have triggered the R2P doctrine.<sup>11</sup> But a third position opens up when we recognize that civil wars need not be treated as analogical to state on state wars, nor is it merely a case of oppressed civilians rising up to overthrow their rulers. There were opposing armies in Syria engaged in battles, but the war was connected to an attempt to end the oppressive rule of the Assad regime. When chemical weapons were used by Syrian forces against rebels, the violation of the ban on such weapons was neither a war crime in a conflict between states, nor a crime against humanity that was being carried out regardless of whether there was an armed conflict going on. As a civil war crime, outside military intervention could be justified to punish the offenders. However, since the crime took place in war and did not rise to the level that shocked human conscience, the

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<sup>11</sup> I will examine below the question of whether less severe violations of human rights could justify limited military interventions, instead of large-scale military interventions directed at the removal and prosecution of the leaders of the regime who are responsible for crimes against humanity.

response should not be the major military interventions called for in response to crimes against humanity, but a more limited intervention.

### 3. Are Limited Interventions Ethical?

But do limited interventions make sense from a moral point of view? In the case of military interventions on humanitarian grounds, there are a number of reasons that make them hard to justify except in the face of massive violations of human rights. These reasons include the violation of another state's sovereignty, the killing in war of some of the very people the interventions are supposed to save, and the lack of political support for the cost in blood and treasure of military actions carried out for the sake of foreigners. As a result, the U.S. and other nations had been reluctant to intervene to prevent genocides in Rwanda and Darfur, places where Western countries had no strategic or economic interests at stake. Even when they have intervened, they have chosen to do so in a way that limits the risks of taking casualties and long-term occupations, as seen in how the NATO interventions in Kosovo in the late 1990s and in Libya in 2011 relied mainly on bombardment from the air, with limited use of ground forces. Although limited interventions make sense politically, are they morally justifiable?

International conventions such as the recently adopted R2P doctrine set out conditions under which the U.N. Security Council may authorize interventions to prevent large scale human rights violations such as genocides and ethnic cleansings.<sup>12</sup> It is hard to imagine how crises of such magnitude can be resolved without instituting the kind of political change that a small-scale intervention cannot bring about. A limited intervention is likely to only temporarily reduce or stop an ongoing genocide that is being carried out either because a regime is morally bankrupt or

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<sup>12</sup> This reflects the view taken by Walzer in his version of just war theory. As mentioned in note 5 above, the violation of state sovereignty is only permitted to put a stop to acts that "shock the moral conscience of mankind."

because the state has collapsed altogether leaving no one to protect people and maintain law and order. Nazi Germany's systematic extermination of Jews in death camps could not have been halted without the defeat of Hitler's regime. The collapse of the state of Somalia into fiefdoms run by warlords and the resulting humanitarian crisis could not be dealt with through the kind of limited U.S. intervention that failed miserably in the 1990s.

One moral argument in favor of limited interventions appeals to considerations of proportionality. It has been said that "there is a rudimentary proportionality consideration within the very idea of the principle of just cause."<sup>13</sup> The point made in this quote is that something as terrible as war should not be resorted to unless the just cause is significant enough to justify large-scale loss of life. But another way to read proportionality into just cause is to hold that limited interventions with low costs could be justified by a less significant cause. This leads to the notion of a "sliding scale concept of just cause,"<sup>14</sup> a concept that supports small-scale humanitarian interventions of the kind seen in Kosovo and Libya, (assuming that the human rights situation in those countries did not rise to a level that would trigger the R2P protocol).

Interestingly, the sliding scale concept of just cause may already support limited U.S. military intervention in Syria in response to the humanitarian crisis prior to the regime's use of chemical weapons. But putting this point aside, the concept can also be used to justify a limited response to the violation of the international ban on the use of chemical weapons in war. It would seem that a full-scale invasion of Syria in response to a single violation would be grossly disproportionate, given the cost of such military action and the death and destruction that would result. The U.S. proposal to bomb some military assets of the regime to exact a price for the

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<sup>13</sup> Larry May, "The Principle of Just Cause" in *War: Essays in Political Philosophy*, ed. Larry May (New York: Cambridge University Press, 2008), p. 60.

<sup>14</sup> Jordy Rocheleau, "Against Small Interventions on Sliding Scale Grounds," *Philosophy in the Contemporary World* 19:2 (2012), pp. 30-1.

violation seems to be a more proportionate response. The sliding scale concept of just cause leaves open the possibility of ratcheting up the military response if further violations of the ban on chemical weapons occurred. This leaves the U.S. in the position of both punishing and deterring the Assad regime without incurring too much military and political risk.

The appeal of limited interventions is that it ameliorates two major concerns about foreign intervention. Firstly, respect for national sovereignty is foundational in modern international law. And secondly, a military intervention that inevitably involves killing innocent people, as every war does, seems contrary to the purpose of actions carried out in the name of protecting human rights. Limited interventions that do not involve removing the political authority of the regime in power seem less of a violation of state sovereignty than an invasion and occupation of the country to put a new government in place. And a small-scale military deployment would not inflict as much harm on civilians as a full-scale invasion. As a response to cases of human rights violations that do not rise to the level that triggers the R2P protocol, limited interventions could be a way to balance the concerns about intervention and the need to carry them out. In fact, even in the case of massive human rights violations such as genocide and ethnic cleansing, it may be better for military actions to start off in a limited form and only escalated if the crimes against humanity continue unabated.

The sliding scale concept of just cause is however a controversial one. Clearly, it provides a basis for more frequent military interventions compared to the R2P doctrine by setting a lower bar for how bad the human rights situation has to be to justify intervention. It is also uncertain what could be achieved by small-scale interventions. If the interventions do not remove the human rights violators from power and merely relieve the suffering of the victims, they may not be effective or sustainable in the long run. There is also a danger that limited interventions may

escalate incrementally and result in a worse scenario than a large-scale intervention in the first place. These concerns about limited interventions apply both to humanitarian interventions and to interventions for the purpose of punishing war criminals as the U.S. proposed to do in Syria. Would the international ban on chemical weapons be upheld by a limited strike on Syria for using chemical weapons? Would it deter the Assad regime from using such weapons again? Would it really punish the people who ordered the use of the chemical weapons, or kill innocent soldiers at the sites that the U.S. chooses to target? Would there have to be repeated strikes against Syria each time the regime uses prohibited weapons, leading to a slow escalation of military involvement? Would it not be better to launch an invasion that would remove Assad from power? But, on the other hand, would the single use of chemical weapons justify the U.S. to intervene in the Syrian civil war on the scale needed to remove its leader?

The history of humanitarian interventions is instructive. Even when limited, past experience with such interventions is unfortunately replete with failures.<sup>15</sup> Even if such interventions can be morally and legally justified in the case of massive human rights violations that constitute crimes against humanity, the problem of harming the very people the military action seeks to protect cannot be taken lightly. Military solutions are often worse than the problems that they are meant to solve, whether as a response to aggression or to human rights violations. That is why war is required to be the last resort in just war theory. Other means of responding to internal oppression within a state, such as economic sanctions and the provision of humanitarian assistance to the victims, should be preferred over the use of troops. Of course,

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<sup>15</sup> The risks, dangers, and imperfections of real-world humanitarian interventions are discussed in Richard W. Miller, "Respectable Oppressors, Hypocritical Liberators: Morality, Intervention, and Reality" in *Ethics and Foreign Intervention*, ed. Deen K. Chatterjee & Don E. Scheid (Cambridge: Cambridge University Press, 2003), pp. 215-50. Rocheleau, *op. cit.*, p. 32, notes that the Kosovo and Libya military interventions that are regarded as 'poster-children' for limited intervention have resulted in significant human rights abuses post-intervention, and these states' long-term political stability is in doubt.

sanctions also risk harming innocent people and humanitarian assistance may not get through without military protection, especially if the oppressive regime opposes foreign aid. But even if the non-military alternatives do not work, military intervention may still not be worth carrying out as the outcome in terms of human rights may become worse once troops are sent across a border and fighting begins.<sup>16</sup>

As the recognition of humanitarian intervention as a legitimate reason for military action alters both traditional just war theory and the UN Charter that sets the legal standard for the use of force against another state, there is a danger that more frequent interventions would cause global insecurity and would be abused to provide an excuse for military aggression. So unless the humanitarian crisis is so severe that a military intervention is obviously the lesser evil, it does not seem justified to intervene. Instead of a sliding scale for intervention, a threshold of large-scale human rights violations should be met as a condition for military intervention.

But suppose the threshold is met by a regime oppressing its people to an extent that shocks the moral conscience of humankind. Could not some of the evils of intervention be avoided if the initial intervention was limited in scale? In my view, it is more important that humanitarian interventions are kept short in duration, than for the intervening force to be kept small. The aim of the intervention should be to speedily reduce the level of human rights violations. If this requires that perpetrators be removed from power or deprived of their ability to carry out atrocities, then there should be sufficient force used to do this quickly and effectively. A quick success will enable foreign troops to be withdrawn so that there would not be a lengthy occupation that interferes with the self-determination of the country, causing a hostile reaction.

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<sup>16</sup> Burleigh Wilkins, "Humanitarian Intervention: Some Doubts" in *Humanitarian Intervention: Moral and Philosophical Issues*, ed. Aleksandar Jokic (Peterborough, ON: Broadview Press, 2003), pp. 35-44, explains the ways in which humanitarian interventions could yield the opposite effect in terms of protection of human rights by worsening the oppression on all sides.

The practice of starting small and broadening the intervention in incremental steps has often resulted in a protracted process that either fails to achieve the goal of ending human rights violations or does so with the high moral cost of a longer intervention.

#### 4. Where is the Red Line?

My objections to the sliding scale concept of just cause, and to the idea of limited military interventions in response to crimes against humanity, also apply to civil war crimes.<sup>17</sup> They show that the only interventions that should be carried out are those aimed at removing from power those responsible for the crimes, and not merely protecting victims or sending a message of disapproval. Interventions that serve these goals would necessarily be large-scale and costly. Unlike limited interventions, they could not possibly be a proportionate response to smaller humanitarian crises nor to the occasional violation of rules of war that take place in every war, including civil wars. This point has implications for how the U.S. should respond to the regime's use of chemical weapons in the Syrian civil war.

Although the U.S. sought to pressure the Syrian regime to refrain from using chemical weapons on rebels by drawing a "red line" as President Obama did, it is likely that the U.S. never intended to invade Syria and depose Assad once the line was crossed. The U.S. threat was premised on the idea that it could intervene in a limited fashion to punish Assad for violating the international ban on chemical warfare. In this paper, I have considered whether intervening in a civil war to punish violations of rules of war can be justified. Crimes against humanity and war crimes (as well as crimes against peace) are the categories that can be prosecuted under

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<sup>17</sup> Rocheleau, *op. cit.*, pp. 31-3, too has objected to the sliding scale concept as it is applied to humanitarian intervention on both deontological and consequentialist grounds. He says that "the rights infringements inherent in armed intervention imply that it be done only ... to avoid catastrophes, rather than to secure marginal, on-balance projected gains in human rights," and "military intervention to stop small to medium rights abuses is likely to do more harm than good."

international law. I suggested that a new category of civil war crimes needs to be recognized. I then asked whether a limited intervention of the sort that the U.S. considered against the Syrian regime is appropriate as a response to civil war crimes. Limited interventions have been used in response to human rights violations by the state, but I argue here that they do not make moral sense, regardless of whether the rights violations are small-scale ones or of such seriousness as to shock the moral conscience of humankind. Instead, humanitarian interventions should be carried out on a scale necessary to put a quick end to the violations and to remove from power those responsible for the crimes. It is morally better for interventions to be short in duration rather than for them to be limited in scale. Since large-scale interventions would not be proportionate as a response to lesser human rights violations, they should only be carried out when the R2P threshold is met.

What is said here about limited humanitarian interventions is also true about limited responses to civil war crimes of the sort the U.S. proposed in Syria. If a single documented case of the use of chemical weapons by Syrian troops did not merit or justify an intervention with the necessary force to remove the Assad regime, then it would be better not to intervene at all. It is a mistake to think only in terms of causing less damage and killing fewer people, as compared to an invasion. No war in history has ever avoided the evil of grave harms to the innocent. Most of the people harmed by an attack on Syria, including military conscripts, will be innocent in terms of their bearing any responsibility for the use of chemical weapons by the regime. But such evils of limited intervention will not be incurred as the price of preventing the government in Syria from ever again committing war crimes and crimes against humanity. If it is declared that regime change is not part of the goal of U.S. military action in Syria, then what is achieved that can offset the evil of killing innocent Syrians, no matter how few? And if Syria used chemical

weapons again, there may have to be further airstrikes. But would this merely drag out the military intervention by the U.S. until the point is reached when it has no choice but to go after a change in regime? Military adventures are rarely as limited as planned for. In order to achieve even limited goals, those who intervene with a small force usually end up escalating their involvement and taking sides in a civil war.

The logic of limited intervention is that if a large-scale intervention involves too much killing, and the casualties of the intervening force are hard to justify to the people back home, then small-scale interventions are easier to justify on both counts. I think instead that if large-scale interventions are hard to justify, limited interventions are even harder to justify. The former involves lots more killing and destruction of property but if it can succeed in ending the rule of an evil regime, the evils of war are to some extent balanced by the evils of oppression that are prevented. What can offset the evil, albeit lesser, of a limited intervention that leaves the regime in place to do more evil?

The idea that limited interventions are morally better than large-scale interventions is a moral illusion. Once we recognize this, there should not be any 'red lines' drawn, except at the threshold where large-scale interventions are proportionate (due to the magnitude of the crimes). An intervening state must be willing to bear the cost of carrying out such an intervention. It would be hard to make sense of a policy where we threaten to launch limited airstrikes against a state if it violates the rights of an opposition leader when it has already imprisoned and tortured tens of thousands of political prisoners. If the latter violations do not constitute a humanitarian crisis that is shocking enough to the moral conscience of humankind to have led to outside intervention, what is the point of threatening attacks to keep one opposition leader out of prison? If it is felt that the imprisonment of that leader marks the point at which the threshold for

intervention is reached, then why should the intervention be limited and not include the goal of removing the human rights violators from power?

Similar questions can be posed about the moral significance of a single use of chemical weapons by a regime that had already carried out numerous brutal and indiscriminate attacks using conventional weapons. What is the point of drawing a red line on the use of chemical weapons if what had gone on before did not pass the threshold for a large-scale intervention that would remove the Assad regime from power? But if the use of chemical weapons, added to previous indiscriminate use of conventional weapons, makes the regime so bad that the U.S. has to take action to enforce international rules of war, why is it better for the intervention to be a limited one?<sup>18</sup> In Syria, a limited intervention would achieve too little. Trying to do more will lead to a much longer and more costly involvement. It is far better to ask before the U.S. intervenes whether the cost of a larger intervention is worth doing, and what moral costs have to be borne, than to consider only a limited intervention. If a larger intervention that ends Assad's evil can be justified, then that is what the U.S. should do. If not, it should not intervene at all.

In conclusion, until the international community considers the Syrian regime either to be 'beyond the pale' in terms of human rights violations, or to be fighting against the rebels in 'no holds barred' fashion by repeatedly using prohibited weapons and carrying out indiscriminate attacks, military intervention from outsiders cannot be justified. Once we abandon the myth of limited intervention as a moral option, we have to decide as follows: If intervention is justified, it should not be on a small scale. But if the U.S. is not prepared to embark on a large-scale intervention, it should not intervene at all or even threaten to intervene by drawing red lines.

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<sup>18</sup> There is probably a lack of political support in the United States for a large-scale intervention in Syria. But this does not make a limited intervention the morally right thing to do.