

Intending war rightly: Right intentions, public intentions, and consent

Eric Grynawski*

Assistant Professor of Political Science and International Affairs, George Washington University

Abstract

This article defends the normative status of the right intentions requirement in just war theory. Before we turn to many ethical questions about a conflict – whether there was just cause or whether a war was fought well – we often begin by asking whether the war was rightly intended. Particularly in the contemporary world, where questions of humanitarian intentions and their place in international law is an important political issue, clarifying what we mean by right intentions and showing why they matter is politically very important. Unfortunately, despite the importance of right intentions in the history of political thought, recent discussions give the concept mixed attention, leaving it obscure and difficult to apply. The first section reviews four traditional accounts, showing their underlying (and important) differences and respective weaknesses. The second section of the article argues that these models fail because they are rooted in private instead of public reason. A model of right intentions as public intentions is described and justified, where an intention is only right when the motives that underlie it can be endorsed by the group it is supposed to aid, and the opportunities it provides that group are endorsable by the intervener.

Keywords

Right Intentions; Just War Theory

Our moral evaluations of decisions to go to war are usually conditioned on our judgments about whether wars are rightly intended. Why did the Bush administration attack Iraq in 2003? Were weapons of mass destruction really an important concern, or was that a convenient cover for other purposes? Did the Bush administration come into office intending to attack Saddam Hussein, or was the war a response to the September 11 attacks? What role did the vice president's connections with contractors or Big Oil play? These considerations are important enough that before we turn to other important claims about a conflict – for example, whether there was just cause, how the war was fought, and what the settlement looks like – we begin by asking whether the war was rightly intended.

The Mexican-American War illustrates why intentions matter so starkly. On 9 May 1846, President James K. Polk convened his cabinet to discuss continued problems in Mexican-American relations. Outstanding border disputes, the recent US annexation of Texas, and unpaid debts had pushed the two nations to the brink of war. Months earlier, Polk had ordered General Zachary Taylor to move into disputed territory between the Nueces River (the recognised border) and the Rio Grande (the border Polk

*Correspondence to: Eric Grynawski, Assistant Professor of Political Science and International Affairs, George Washington University, 2115 G Street NW, 440 Monroe Hall, Washington, DC 20052, USA.
Author's email: ericgryn@gwu.edu

favoured). Polk told his Cabinet that he intended to ask Congress for a declaration of war before it recessed. George Bancroft, the secretary of the Navy, was the only cabinet member to dissent. Mexico had not committed a hostile act against the United States; therefore, there was no just cause. Polk disagreed: unpaid debts, a thorny border issue, refusal to negotiate with the obnoxious US diplomat Slidell, and troops massing in Mexican territory were cause. The cabinet voted in favor of war. A few hours later, Polk learned Mexican troops had crossed the Rio Grande and attacked a squad of dragoons. The cabinet met again, this time with a unanimous decision in favor of war.¹ In his war address to Congress two days later, Polk gave his public justification: ‘American blood was shed on American soil.’

Criticism of the Polk administration for manufacturing just cause began almost immediately. The debate over the war’s justifiability focused on three issues: who was the aggressor, were the American demands just, and did the Polk administration rightly intend the war. The opposition argued that the United States was acting aggressively by moving troops over a disputed border, inviting a Mexican attack. Ulysses S. Grant, then a lieutenant in Taylor’s army, wrote that because Mexico would not come to the Nueces River (the recognised frontier), ‘it became necessary for the “invaders” [the United States] to approach within a convenient distance to be struck’,² and John Calhoun suggested that the decision to move the army to the Rio Grande was ‘as much an act of aggression on our part as is a man’s pointing a pistol at another’s breast’.³ Others suggested that Polk did not have just cause. Abraham Lincoln introduced the ‘Spot’ Resolution that demanded ‘full knowledge of all the facts which go to establish whether the particular spot of soil on which the blood of our *citizens* was so shed, was, or was not, *our own soil*’.⁴

Framing debates around just cause or aggression, however, misses the central reason that Polk and his cabinet’s decision was so deeply wrong. Polk, simply put, did not care about the just cause that he publicly cited as justification for the war. In fact, Polk cared so little about the American public – the community he intervened to ‘defend’ – that he did not care if they would reject the war fought on their behalf. Instead, Polk justified the war in such a way as to dupe those who the war was fought to save. Focusing on right intentions draws our attention specifically to the attitude taken by political leaders toward those a war is intended to save. The Polk administration treated the group on whose behalf the war was justified with contempt, using their concerns to marshal support for war without respect to their plans and purposes. The central argument of this article is that cases such as this are examples of wrongly intended wars.

In historical formulations of just war theory, right intentions is a central feature of discussions of ethics in war. For Augustine, the *libido dominandi* or the lust for mastery that characterises most princes’ decisions to go to war too often takes the place of charity and love for others.⁵ More recent discussions continue to highlight the right intentions requirement, but have not worked out clear alternatives about what precisely a right intention is or why they matter.⁶ When right intentions are explicitly discussed, they are often dismissed because intentions are hard to gauge, rarely pure, and

¹ James K. Polk, *The Diary of James K. Polk* (Chicago: A. C. McClurg & Co., 1910), pp. 384–5.

² In Joseph Wheelan, *Invading Mexico: America’s Continental Dream and the Mexican War, 1846–1848* (New York: Carroll & Graf Publishers, 2007), p. 85.

³ John H. Schroeder, *Mr. Polk’s War: American Opposition and Dissent, 1846–1848* (Madison: University of Wisconsin Press, 1973), p. 17.

⁴ Abraham Lincoln, *The Collected Works of Abraham Lincoln, Volume I* (New Brunswick: Rutgers University Press, 1953), pp. 420–2.

⁵ Augustine, *The City of God Against the Pagans*, trans. R.W. Dyson (Cambridge: Cambridge University Press, 1998), pp. 632–3.

⁶ Jean Bethke Elshtain, *Just War Against Terror* (New York: Basic Books, 2003); James Turner Johnson, *The War to Oust Saddam Hussein* (Lanham: Rowman & Littlefield, 2005), pp. 18–19.

focusing too heavily on interveners' intentions can seem awfully narcissistic in severe humanitarian crises, where genocide, mass rape, or political persecution make any intervention seem morally laudatory. This mixed attention to the concept of right intentions has left the concept obscure. Instead of a single standard of right intentions – the next section argues – four accounts of right intentions have developed. There has been little discussion of the underlying (and important) differences between these accounts, their respective weaknesses, or why different accounts arise at different points in time. The first section of this article discusses these debates, showing that these conventional accounts fail to make sense of our intuitions about right intentions and war.

I argue that traditional accounts of right intentions might be augmented by treating right intentions as public intentions. Traditional just war theory suggests that moral license to go to war usually emerges because of the violation of some group's rights, such as an ethnic group abroad that one intervenes to save or one's own citizens that one fights to protect. Treating right intentions as public intentions focuses on the kind of moral respect that the intervener pays to this targeted group. The central argument is that a war is not rightly intended if the group whose rights provide just cause for war would not endorse the intentions of the aggressor. The second section develops this account that posits that an individual rightly intends war when: (1) his/her motivations are consistent with the plans and purposes of the group on whose behalf the war is justified (the 'aggrieved'), and (2) he/she can endorse what that group will likely do with the political and military opportunities provided by war.

Four models of right intentions

Contemporary debates about ethics in war provide no single account of what right intentions means, nor is there a well-defined debate that shows what hangs on different interpretations of right intentions. This section outlines four interpretations. These are not necessarily interpretations consistent with what modern philosophers would describe as 'intentions': there is a substantial debate over what an intention is and what types of intentions have moral significance. Rather than ruling out these historical concepts as antiquated or imprecise, this section tries to understand what applied problems they were trying to solve and how well they solve them. Furthermore, recent scholarship – especially regarding humanitarian intervention – may promise more precise formulations of existing accounts, although these are not discussed at length here where I am outlining the problems that very general formulations face.

Two of these interpretations – the peace-directed and pure purpose accounts – arise from canonical just war theorists. Two more recent accounts – the mixed motives and outcomes-oriented accounts – are derived from concerns about democratic theory and humanitarian needs, respectively. I argue that these accounts respond to specific, reasonable, moral concerns related to intentions and war. The difficulty for each arises because of the narrowness of the problems it addresses. Because each interpretation is designed to handle only one aspect of the problem of intentions in war, each is ill-equipped to handle the problems that animate the other accounts. The following sections outline an account of right intentions intended to respond more fully to the various concerns that animate their importance.

Peace-directed and the aims of war

The peace-directed account holds that a right intention is an intention to create a just peace. If one intends to destroy an enemy, or to impose an unjust settlement that will likely lead to renewed

violence, then a war is wrongly intended.⁷ The peace-directed account responds to concerns about cruel or selfish motives for fighting. If one fights for cruel or selfish motives – if one desires vengeance or personal gain instead of peace – then the resulting peace is both less likely and less just. The peace-directed account is distinctive because just cause does not figure directly into its account of right intentions. Just cause functions as a reason for peace to be breached; right intentions is the requirement that one intends to conduct oneself during a war in a way that is likely to promote peace and to restore peace *post bellum*. The other three accounts, by contrast, focus on whether an agent is motivated by just cause.

The peace-directed account has its roots in Augustine's and Aquinas' just war theory. In its historical context, a well-known inspiration for Augustine's peace-directed account was to explain the decline of the Roman Empire.⁸ The Roman Emperors were motivated by a vain self-regard that led to the eventual decline of the empire; a divine punishment. Augustine's concern about the *libido dominandi* – the lust for mastery instead of charitable love – is translated by Aquinas into a progressive theory that emphasises the importance of trying to steer the world toward peace. Citing Augustine, Aquinas explains 'true religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, of punishing evil-doers, and of uplifting the good' (Aquinas, Q40 A1). If one intends to fight cruelly, making peace difficult to restore, then the war is not rightly intended.

The peace-directed account addresses important concerns. One such concern is artificial separations of judgments about whether to go to war (a *jus ad bellum* judgment) and how a war is fought (a *jus in bello* judgment). Many scholars separate judgments about why a war is fought from judgments about how wars are fought because one can fight a bad war well or a good war poorly.⁹ This separation is problematic if a state, in deciding to go to war, knows that its war plans include substantial violations of the war convention. In 1914, Germany felt threatened and invaded Belgium, a neutral state. The Germans were aware the Belgians would resist, and their war plans called for a brutal campaign to suppress Belgian resistance, including summary executions and a terror campaign against civilians. Any assessment of German intentions should be conditioned by how Germany intended to take and hold Belgium: even if Germany had a right to go to war (which is suspect at best), the war was wrongly intended because Germany had foreknowledge that its plans called for egregious civilian rights violations. Therefore, the intended war was wrong because the decision to go to war (the *jus ad bellum* judgment) was made knowing the war would be wrongly fought (the *jus in bello* judgment).

The second concern that the peace-directed account is especially able to grasp relates to a gap between just cause and the conditions necessary to promote peace. In just war theory, states can pursue more than the restitution of just cause during a war; states can also aim for laudatory side-goals. Francisco de Vitoria, for example, suggests that one may do more than restore losses when fighting a war; one may pursue other goods conducive to peace.¹⁰ During the war in

⁷ James F. Childress, *Moral Responsibility in Conflicts: Essays on Nonviolence, War, and Conscience* (Baton Rouge, LA: Louisiana State University Press, 1982), pp. 77–8; James Turner Johnson, 'The just war idea: the state of the question', *Social Philosophy and Policy*, 23:1 (2006), p. 169.

⁸ Cian O'Driscoll, *The Renegotiation of the Just War Tradition and the Right to War in the Twenty-First Century* (New York: Macmillan, 2008), pp. 86–7.

⁹ Michael Walzer, *Just And Unjust Wars: A Moral Argument With Historical Illustrations* (4th edn, Basic Books, 1977).

¹⁰ Francisco de Vitoria, *Vitoria: Political Writings*, ed. Anthony Pagden and Benjamin Lawrance (Cambridge: Cambridge University Press, 1991), pp. 304–5.

Afghanistan, for example, NATO claimed just cause for intervention because of the 9/11 attacks. NATO, however, intended to do more than find those responsible; it aimed to promote peace by preventing Afghanistan from being used as a base for future attacks. The peace-directed account makes sense of the gap between just cause and actors' intentions to pursue other aims conducive to peace by admitting the latter as reasonable. In Afghanistan, for example, we find it reasonable for the United States to aim to make future violence less likely, by building liberal institutions, in addition to capturing those responsible for the attacks.

Pure intentions and excuses for war

The pure intentions account maintains that right intentions require one to be purely motivated by a just cause. The central problem that the pure intentions account responds to is the problem with war excuses. A difficulty with the peace-directed account is that it does not posit a motivational connection to just cause. Our intuitions, however, lead us to believe that even if states have just cause and actively pursue peace, they can still wrongly decide to fight wars if their motivations are not related to those just causes. If one is motivated by a desire for electoral or financial gains, a war is not rightly intended even if one believes the war may end with lasting peace. Without emphasising a motivational connection between just cause and war initiation, just cause can be an excuse for fighting a war for mischievous motives. The pure intentions account responds to this problem by insisting that wars are rightly intended only when they are purely motivated by just cause. If one intends to intervene for humanitarian reasons, for example, then one's motivations must be strictly humanitarian. Or, if one launches a pre-emptive war, one must be motivated strictly by a desire for defence.

The pure intentions account has advocates in canonical and modern sources. Historically, war conventions frequently cite the importance of pure intentions. Western clerical authorities, for example, frowned on soldiers who fought for gain or vengeance instead of attachment to their sovereign.¹¹ More recent accounts concur with this historical view by suggesting the right intentions are a prominent condition for just war thinking. Brian Orend, in developing a Kantian theory of just war, suggests that right intentions should be a prominent condition: 'A state resorting to war must do so only for the sake of vindicating those rights whose violation grounds the just cause in fighting.'¹² Orend's explicit comments are noteworthy because just war scholarship typically describes right intentions as pure intentions but passes over the requirement without comment. For example, James Turner Johnson, a leading historian of the just war tradition, lists right intentions as pure intentions as central to just war theory but does not develop the argument.¹³

Although modern authors do not lay out the importance of pure intentions, the intuitive reasoning behind a pure purpose account is relatively straightforward. In general, the pure intentions account responds to the reasonable concern that just cause should not be an excuse for wars fought with ulterior motives. Self-defence is permissible because it is a protection of one's rights; killing for profit is repugnant because it violates others' most basic rights for selfish purposes.

¹¹ Richard W. Kaeuper, *Holy Warriors: The Religious Ideology of Chivalry* (Philadelphia, PA: University of Pennsylvania Press, 2009), p. 16; Bernard J. Verkamp, 'Moral treatment of returning warriors in the early middle ages', *The Journal of Religious Ethics*, 16:22 (1988), p. 225.

¹² Brian Orend, *War and International Justice: A Kantian Perspective* (Ontario: Wilfrid Laurier University Press, 2000), p. 190.

¹³ James Turner Johnson, *Can Modern War Be Just?* (New Haven, CT: Yale University Press, 1986); Johnson, *The War to Oust Saddam Hussein*.

Impure intentions, in other words, make war a form of mass murder in cases where killing occurs for gain instead of defence of rights. A second concern might be instrumental. If actors are not motivated by just cause, then the underlying cause of war is less likely to be resolved because the agents' energies and courses of action are likely not primarily intended to create a just settlement of the causes for war.

Mixed motives and democracy

The mixed motives account posits that right intentions require a state to be *in part* motivated by just cause. This account responds to two problems that arise from the pure intentions account. The primary problem with the pure intentions account is that it is infeasible. In any complex government, impure motives are unavoidable because different agents may have different motivations for war.¹⁴ The result, Michael Walzer explains, is that 'an absolutely singular motivation, a pure will, is a political illusion'.¹⁵ A second problem with the pure intentions account is that it discounts many reasonable or even laudatory motives. Many decision-makers pursue war out of a desire to address just cause and also to pursue other reasonable goods. Requiring motives to be tied only to just cause means that other laudatory motives render an intention 'wrong'. In most cases, this is absurd. Many wanted the United States to intervene in Afghanistan to capture those responsible for terrorist attacks (the just cause); some were also motivated, in part, by a desire to remove the Taliban: a regime with a spectacularly bad human rights record (a reasonable motive as well). A strict pure intentions account would treat the war as wrongly intended because it aimed at goods besides just cause, even though it was motivated only by reasonable goals.

The mixed motives account handles these problems of democratic theory by positing that just cause must figure into the decision, but it need not be decision-makers' exclusive concern. The key test, for Walzer, is that 'impure' motives do not prolong or distort the fighting.¹⁶

There are substantial ambiguities in the mixed motives model. The aim of this article is not to elaborate the mixed motives model, but a brief discussion is warranted to show the unresolved difficulties with allowing mixed motives as right intentions. One central question Walzer leaves unresolved is what types of motivations are allowed into the mix to create a 'right' intention. Does Walzer's account allow a war to be partly motivated by considerations of racial superiority if that motivation does not prolong or distort the fighting? A second set of difficulties relates to how important just cause must be. Does just cause need to be *a* motive or must it be the dominant motive?¹⁷ The latter account is likely impractical. Individuals often do not understand their own motivational structures well enough to imagine how their decisions would change if specific elements or their motivational structure varied.¹⁸ The former interpretation of mixed motives – that just cause must be a motive but not necessarily the dominant motive – encounters difficulties because it is overly permissive, allowing the *libido dominandi* to dominate decision-making. One does not want to

¹⁴ James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010), pp. 164–5; Kenneth Shepsle, 'Congress is a "they", not an "it": Legislative intent as oxymoron', *International Review of Law and Economics*, 12:2 (1992), pp. 239–56.

¹⁵ Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2006), p. 94.

¹⁶ *Ibid.*, pp. 94–6.

¹⁷ See Bruno Coppieters and Boris Kashnikov, 'Right intentions', in Bruno Coppieters and Nick Fotion (eds), *Moral Constraints on War* (Lanham, MD: Lexington Books, 2008), pp. 78–90.

¹⁸ Orend, *War and International Justice*, p. 94.

describe wars (for example, the Mexican-American War) as rightly intended when the dominant motivations have little to do with just cause.

Outcomes-oriented and victims' perspectives

The outcomes-oriented model describes right intentions as instances where an actor has foreknowledge that a war will secure some important good, regardless of whether the good is desired. This model moves past the mixed motives model by acknowledging there are cases where an intention is laudatory even if the motivations are not. In short, if a war is fought that achieves some just cause despite being motivated entirely by unjust motives, the war remains just.¹⁹

The mixed motives model has two drawbacks that point to an outcomes-oriented model. Some interventions seem justifiable even if they are not motivated by just cause. States should intervene to end genocides, for example, even if they are doing so for strictly selfish reasons. Moreover, emphasising interveners' motivations – especially leaders' psychology and the political devices through which they garner support for a war – precludes understanding war from victims' perspectives. When states intervene to rescue others, concentrating too much on interveners' motivations and not the victims' plight is an awfully narcissistic.

The outcomes-oriented account is intended to settle these problems by concentrating on the victims of violence. This account posits that an intention is right if a war has the *effect* (not intention) of redressing just cause, without creating avoidable unjust effects. The three accounts discussed so far claim the decision to go to war must *have* right intentions; the outcomes-oriented, or victim-centered, account claims the decision to go to war must be made *as if* there are good intentions.

The outcomes-oriented account was developed in the context of humanitarian intervention. Nicholas Wheeler, proposes a test that 'decision-makers must believe the use of force will produce a humanitarian outcome' even if they are not motivated by humanitarian concerns. In his example, when Vietnam toppled Pol Pot's regime in Cambodia in 1979, they foresaw a positive humanitarian effect, although they were entirely motivated by security concerns.²⁰ Wheeler suggests this does away with the right intentions requirement. Interpreting right intentions as pure intentions, Wheeler shows that an outcomes-oriented account does not require a state to be motivated by a just cause to render an intervention legitimate in cases where there is a 'supreme humanitarian emergency'. This focuses attention on the victims of genocide, interpreting a war's justifiability based on whether rescue is accomplished.

Although Wheeler sees an outcomes-oriented account as discounting right intentions, in a powerful sense he is developing a novel approach to the idea. In Wheeler's test, even if states have selfish motivations, intervention is still justifiable so long as the intervener foresees a positive effect and the means pursued are consistent with humanitarian purposes. This requires intentionality. The intervener must, according to Wheeler's test, foresee that the intervention's outcome is rescue and develop a war plan that does not undermine that outcome. Rescue, in short, is intended, even if

¹⁹ The difference between the mixed motives and outcomes oriented models is that former requires 'mixed' motives (some motivational connection to just and unjust goods desired from war) whereas the latter does not require any motivational connection to just cause.

²⁰ Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), p. 37.

not desired. Whereas the pure purpose account would insist that rescue must be foreseeable and the motivating force for a war to be rightly intended, Wheeler's more expansive account of right intentions allows cases in which rescue is a foreseeable side effect.

An outcomes-oriented account, however, does not travel to non-humanitarian cases. If the side effect benefits the belligerent, in contrast to rescuing others, we likely would not say the war was rightly intended. During the War of 1812, for example, when the United States went to war against England, Madison's motivations for fighting were largely unjust, focused on aggressive expansion into Canada and his party's political prospects. He knew, however, that the war would also end the impressment of American sailors into the British fleet, a just aim. We would not say that Madison rightly intended the war because he foresaw that impressment would end because Madison was motivated by a desire to conquer Canada. Motives matter because otherwise just causes achieved as side effects of wars excuses wars fought for unjust reasons.

Moreover, the outcomes-oriented account may confuse law and morality in an unproductive way. Advocates of the outcomes-oriented account may be right that we should not create legal or institutional hurdles to rescue: Vietnam's rescue of Cambodians should not have been deterred by the threat of economic or legal sanctions. It does not follow, however, that there is no room to criticise Vietnam's motivations. We can be happy that *a* war happened, while criticising *that* war. The reasoning behind this claim relates to moral psychology, although I do not fully develop the empirical basis for these claims here. One role for moral criticism in international politics is that discussion and deliberation about international norms often have substantial effects on later political outcomes. International Relations scholars increasingly highlight moral argumentation's role in promoting international norms.²¹ One key feature of this line of argument is that moral pressure has the capacity to alter states' interests by developing powerful domestic constituencies that influence policymaking related to apartheid, human rights, environmental protections, or the laws of war. Engaging in moral debate – for example, criticising Vietnam's motivational structure through persuasion, shaming, and moral discussion – may create an environment in which communities are more likely to have laudatory motivations. Wheeler, in sum, is right that international law should not make rescue illegal, but that does not mean we should not criticise states that use rescue as an excuse.

The difficulty in defining right intentions – and developing a single account – is that different accounts respond to different specific problems. Because accounts of right intentions have only been developed to deal with specific, immediate questions, less attention has been paid to whether the concept travels across a range of cases or makes sense in less immediate contexts. On the one hand, this is a virtue for some to just war theory in general: the casuist nature of just war theory's principles permits adaptation to different kinds of cases.²² On the other hand, acknowledging that the principles need to be flexible should not prevent attempts to clarify what we mean in general by the principles of just war theory. This section has tried to outline some of the main lines of what a

²¹ Martha Finnemore and Kathryn Sikkink, 'International norm dynamics and political change', *International Organization*, 52:4 (1998), pp. 887–917; Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996); Audie Klotz, *Norms in International Relations: The Struggle Against Apartheid* (Ithaca: Cornell University Press, 1995); Thomas Risse, Stephen Ropp, and Kathryn Sikkink, *The Power of Human Rights* (Cambridge: Cambridge University Press, 1999).

²² Mona Fixdal and Dan Smith, 'Humanitarian intervention and just war', *Mershon International Studies Review*, 42:2 (1998), p. 288.

contemporary debate over right intentions might look like if it were more fully developed. The next section tries to square the circle by developing a single model of right intentions that resolves as many of these concerns as possible while avoiding unnecessary tensions between accounts.

Right intentions as public intentions

In the previous section, I outlined several problems that the right intentions criteria are intended to address and showed that each of the traditional definitions of right intentions fails to account for one or more of these problems. These problems, however, do not mean that intentions are unimportant.

One may be tempted, owing to the difficulty of creating an adequate formula for intentions, to abandon the notion that we should criticise elites for their intentions. The usefulness of the intentions requirement – especially as a legal requirement – is difficult because intentions are often difficult to discern. Moreover, they may be unnecessary because actions may be criminalised instead of motives and beliefs. The act of aggression – not the intent to commit it – is more than sufficient (one could argue) to hold Adolf Hitler or Hussein accountable.

These problems, however, do not mean that intentions are not often very important. Our judgment about the United States in Iraq, for example, heavily hangs on how the war was intended. If the political elites in the Bush administration intended to war because of genuine fears about US security, for example, then they are not liable for intending aggression. If, however, they intended the war to spread democracy at the point of a gun, then they may be liable if democracy promotion does not count as just cause for war. Moreover, international law, from the Nuremberg trials to contemporary wars crimes tribunals, treats intent as an important requirement for prosecuting individuals who conspire to commit crimes against peace.²³ Certainly, intentions are difficult to demonstrate in many cases, but that does not mean they are difficult to discern in all cases (for example, Hitler's distaste for Jews motivating the Holocaust). And, even if they are difficult to discern for criminal prosecution, it does not mean that citizens should not criticise their leaders for carrying out immoral interventions when they have reasonable grounds for suspecting that an intervention was wrongly intended.

The challenge is not to demonstrate that one should criticise political elites when they wrongly intend a war, but to work out what wrongly intending a war means. This section outlines a formulation of the right intentions principles that captures the conflicting intuitions troubling the traditional approaches. I call it the 'public intentions' formulation of right intentions.

The public intentions account

In the typical just war theorist's description of the international system, states do not usually have the liberty to violently interfere in other states' affairs. The principle of sovereignty, at a minimum, posits that if a state has not failed in its duties to its own citizens or interfered with other communities' liberties, the state has the right to order its own affairs. States gain the liberty to violently intervene in others' affairs when there is a serious violation of a group's rights: that is, a state violates the basic rights of either its own population or other communities through aggression.²⁴ The central argument that follows is that if the origins of the right to intervene stems from a state's interference in a group's

²³ Larry May, *Aggression and Crimes Against Peace* (Cambridge: Cambridge University Press, 2008), ch. 12.

²⁴ John Rawls, *Law of Peoples* (Cambridge, MA: Harvard University Press, 2001); Walzer, *Just And Unjust Wars*; Wheeler, *Saving Strangers*.

liberties, then an intervention to restore those liberties is only rightly intended when the purposes and plans of the intervening state mesh with the purposes and plans of the groups whose liberty has been violated. Walzer captures this intuition, writing ‘one cannot intervene on their behalf and against their purposes’.²⁵

To develop this argument, I contrast an account of right intentions rooted in public reason with traditional just war theory. Canonical accounts of just war theory – developed in medieval political and religious thinking rooted in private reason – cannot easily capture the importance of victims’ perspectives. These accounts often develop moral rules that an actor can apply to a situation to determine whether an action is right independent of the evaluation of the action by others. The argument that a right intention is a directed toward creating peace, for example, provides an *a priori* rule rooted in natural reason (‘a just peace is the end of right actions’) that the agent mentally applies to a specific case to determine whether a decision meets the burdens of the right intention requirement. Even the outcomes-oriented account, which on its face appear to be rooted in public reason, is subtly rooted in private reason. The outcomes-oriented rule posits that one must believe that an intervention will improve the condition of the group on whose behalf an intervention is justified; it does not require that one considers that groups’ position on the intervention.

By contrast, treating right intentions as public intentions requires shifting to public reason to understand right intentions. Contemporary debates about public reason are rooted in an effort to mitigate the dangers of pluralism in society. When debating broad and important constitutional questions, such as what basic liberties and responsibilities citizens owe one another within a society, John Rawls argues that citizens are obliged to consider the public good and justice, as well as be willing to explain their vote on these questions in terms of a reasonable conception of justice that all groups in a society can advance.²⁶ After Rawls, there have emerging starkly different accounts of public reason, including deliberative and non-deliberative versions. The aim of this article is not to take sides in these debates, but to evaluate whether adopting a minimal version of the public reason thesis is helpful in understanding what we mean by right intentions. In general, most accounts of public reason suggest that it is public in two ways. Procedurally, agents need to publicly justify their decisions, and substantively, the kinds of justifications they provide need to be consistent with others’ understandings of justice. In contrast, accounts rooted in private reason do not require that one believes that a position would be endorsed by other members of a community (that there is a shared understanding of reasonability) or that individuals are obligated to give their reasons to others.

The burden of the argument that follows is that using public reason to think about reasoning in war is fruitful. Elsewhere, I argue that declarations of war are a legal device that traditional just war theorists, such as Cicero, considered important because they showed moral respect for enemies.²⁷ Here, I argue that right intentions imply an appropriate attitude toward the group whose rights have been violated, providing the just cause for war.

By public intention, I mean that an action’s moral license can require consistency between the purposes and plans of the group the action is intended to help and the interveners’ plans

²⁵ Walzer, *Just And Unjust Wars*, p. 106.

²⁶ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), p. 213.

²⁷ Eric Grynawski, ‘The bloodstained spear: Public reason and declarations of war’, *International Theory*, 5:2 (2013), pp. 238–72.

and purposes. In the context of just war theory, this means that when a political elite contemplates intervention, they should believe that their motives and plans are endorsable by the group who they plan to help, such as their citizenry in a case of 'defensive' war or the victims of a crisis in a humanitarian intervention. These are 'public' intentions in the sense that one needs to believe that their intention is endorsable by the group (the 'public') on whose behalf the war is justified. More formally, I define a right intention as follows:

An *individual* rightly intends a war when:

- (a) she makes a decision to initiate a war believing that the intervention and her motives for intervening are consistent with the plans and purposes of the aggrieved group (Endorsable-Motives Test);
- (b) and, she can justly endorse what the aggrieved will do with the opportunities provided by war (Endorsable-Opportunities Test).²⁸

In what follows, I elaborate and defend this model of right intentions as public intentions, paying specific attention to the ways that this model helps to make sense of the intuitions that guided the four models advanced earlier. In developing this account, I assume a broad account of just cause, by allowing for large-scale human rights abuses to provide just cause for war; an argument that is slowly becoming uncontroversial. This assumption is posited because this article in part explores whether just cause for a humanitarian intervention is sufficient to satisfy a reasonable *jus ad bellum* criteria, or whether right intentions provides an independent criteria.

In making this argument, I do not attend to debate over what counts as an 'intention'. Modern debates about intentionality often (but not always) separate motivations from intentions; to retrospectively incorporate debates about intentionality into debates within just war theory risks anachronism because several accounts of right intentions posit the importance of motivational connections between just cause and war. Ruling these out by defining intentions in such a way as to exclude motives risks missing the specific concerns raised by debates about right intentions. While my account is consistent with limiting the role of motivation, I do not dwell on the argument but instead work to capture the specific intuitions raised in historical formulations about right intentions.

Individual intentions and the mixed motives model

The previous section presented a definition of right intentions that focuses on individuals' intentions. By itself, this is controversial. Contemporary debates about corporate agency in International Relations posit that an individual cannot 'intend' war because individuals are not capable of going to war. This has important implications for thinking about right intentions. A single state at war likely includes individuals who intend the war in different ways, and for different reasons. Collective intentions, therefore, quickly create the problems that animate the mixed motives account. This section argues, in contrast, that a focus on right intentions should focus on individuals' intentions. Its aim is not to dispute the claim that some models of collective intentionality deny that state actions' are intended by individuals; but rather, argues that our judgments about individuals' motives and beliefs are also important.

²⁸ This definition does not take a position on the meaning of 'intention'; much of the debate in moral philosophy and just war theory focuses on the meaning of intention rather than the meaning of 'rightly'. This argument, however, is consistent at least with arguments that intentions are plans, beliefs, or actions with descriptions.

There are two reasons to emphasise individuals' intentions instead of corporate intentions. First, to treat right intentions as corporate intentions would mean discounting the importance of decision-makers' attitudes to their citizens in cases of self-defence. One benefit of treating right intentions as individuals' intentions is the conceptual separation of decision-makers and objects of rescue in whose name the decision-maker justifies a war. In cases of humanitarian intervention, this separation is obvious: an individual (for example, Barack Obama) may decide that there are massive violations of Libyans' rights, and therefore he is justified in intervening on their behalf. Treating right intentions as individual intentions focuses attention on the same sets of concerns in cases of self-defence. On my account, when a decision-maker decides to fight a war of self-defence, the decision-maker asserts that there is a violation of citizens' rights (or anticipates a violation) that permits war. In a powerful sense, these wars are not wars of 'self-defence' for the individual decision-maker, but are wars of 'other-defence', where the other is one's own threatened citizens.²⁹ This conceptual separation of the individual decision-maker from others is important for the argument that follows because I argue that the right intentions criteria can be tied to the decision-makers' attitude toward the people whose rights the war is intended to restore.

The second reason to treat right intentions as individuals' intentions is that the logic of collective responsibility that underlies the alternative does not speak directly to the questions at issue in existing debates about right intentions. Recent scholarship denies that an individual can intend a war. Alexander Wendt argues that the state is a distributed system of action in which no human can intend a state action because to intend something, one must be capable of doing it. This sentiment is not confined to political science.³⁰ Margaret Gilbert, for example, shows that no individual can intend a corporate action, such as singing a duet or playing a football game.³¹ Larry May similarly stresses 'pre-reflective intentions' that may not be reflectively understood by individual members of a group but are nonetheless shared by its members.³² Following this logic, many claim that states are collectively responsible for war because the participation of the state as a whole is necessary for the war to occur. Usually this relates to questions of just cause. Germany, for example, invaded Poland without just cause and therefore the whole of Germany may be responsible for aggression. The question I ask is whether the question of intentions is also best treated as a corporate concept. If so, then mixed motives are an unavoidable problem.

Theories of collective intentionality do not deny that individuals have motives or beliefs, but rather take as their starting point that these motives and beliefs are insufficient for the performance of a corporate action. It does not follow, however, that individuals' desires and beliefs have no moral significance. If the reasons individuals' support war, authorise war, or vote for war are important for our moral evaluation of those decisions, even when one person alone is incapable of starting a war. Canonical just war theorists often held this view, such as Augustine and Aquinas who were very concerned for princely motives. More recently, the doctrine that individuals' intentions matter has become enshrined in the Rome Statute of the International Criminal Court. Therefore, treating right

²⁹ Problematising the separation of wars of self-defence from humanitarian interventions is only intended to make sense of right intentions. There are significant differences that may arise in discussions of other features of just war theory, such as just cause and legitimate authority.

³⁰ Alexander Wendt, 'The state as person in international theory', *Review of International Studies*, 30:2 (2004), pp. 289–316.

³¹ Margaret Gilbert, *Sociality and Responsibility: New Essays in Plural Subject Theory* (Lanham: Rowman & Littlefield, 2000).

³² Larry May, *The Morality of Groups: Collective Responsibility, Group-Based Harm, and Corporate Rights* (South Bend: University of Notre Dame Press, 1987); Larry May, *Sharing Responsibility* (Chicago: University of Chicago Press, 1992).

intentions as a property of individuals emphasises a set of moral concerns related to individuals' plans and purposes, marking it as different in kind from other concerns such as just cause and legitimate authority.

One consequence of focusing on individuals is also that it avoids the problems highlighted by Walzer's concerns related to mixed motives. Walzer argues that intentions are never pure because states are composed of different actors who have different interests. While Walzer may be right that collective actors often have mixed motives, this does not prevent one from singling out specific individuals who wrongly intends a war for a specific reason.

Endorsable-motives test

The pure purpose and outcomes-oriented accounts, I argue earlier, are rooted in conflicting intuitions about how war can be rightly intended. The pure purpose account concentrates on the perspective of the intervener and is concerned about excuses for war; the existence of a just cause is not sufficient for a war to be rightly intended because just cause is often an excuse for war. The outcomes-oriented account, in contrast, concentrates on the plight of the aggrieved. When there is a supreme humanitarian emergency, such as the genocide in Rwanda, it makes little sense to criticise any state for its motives if that state is willing to intervene, and does so efficaciously.

The endorsable-motives test intends to capture the reasonable parts of both intuitions. A person intending to wage war must believe the aggrieved would endorse his motivations given full information. The intuitions behind the endorsable-motives test are similar to those that animate the pure purpose and outcomes-oriented accounts. This section shows that the seemingly conflicting intuitions of both accounts can be captured by focusing on whether the aggrieved can endorse the motivations that lead a state to fight. The endorsable-motives test is nuanced. It requires: (a) showing a belief that the aggrieved could endorse one's motives and that one respects the aggrieved's individual autonomy; and (b) distinguishing the requirement that one *believes* the aggrieved will endorse one's motives from stronger arguments that they must actually consent to the intervention.³³

For the victims. Recall that one benefit of the pure purpose account is that it highlights the idea that wars should be motivated by just cause because otherwise just cause may serve as an excuse for wars fought for other purposes. The problem identified in the first section is that often leaders desire more than the restitution of just cause insofar as there are morally desirable side-benefits to an intervention. The US intervention in Afghanistan, for example, would not meet the criteria of right intentions as pure intentions if the Bush administration desired self-defence, as well as women's rights, a reduction in the production of poppies, and other goods that are reasonable to desire. If a state is motivated by these morally desirable side-benefits, then we likely would not criticise the intervention because the aim is to create a more just peace.

The endorsable-motives test intends to capture the intuitions underlying the pure purpose account without leading to the same set of difficulties. The central argument is that the problem with war excuses is that interventions done under the cloak of an excuse are often interventions done *to* the aggrieved instead of *for* the aggrieved. The first feature of the endorsable-motives test is that it ensures interventions are done *for* the aggrieved instead of *to* the aggrieved.

³³ Jeff McMahan, 'Humanitarian intervention, consent, and proportionality', ed. N. Ann David, Richard Keshen, and Jeff McMahan (Oxford: Oxford University Press, 2010), pp. 44–74.

The endorsement of others' actions can depend on actors' motivations. Consider, for example, an employer who offers a job to another person from charitable motives, believing the unemployed person will reject the job if the person knows it is an act of charity because they only find value in earning the position through merit. Tricking the employee, by giving the person the job out of charitable motivations while publicly claiming it is due to merit, shows little respect for the employee's purposes and plans for his/her own life. The action is done *to* the employee and not *for* the employee because it undermines his/her ability to form and execute plans for the realisation of what he/she values. For an action to be done *for* someone, one must show respect for the other's judgments, purposes, and plans, and believe the action is consistent with the other's plans given full information.

Unlike the pure purpose account, however, the endorsable-motives test also allows agents to pursue other reasonable side-goals, so long as those motivations are consistent with the plans and purposes of the aggrieved. Doing something *for* another does not require that an actor is motivated by the same precise concerns as the action's recipient, so long as the recipient would not reject the action knowing the difference in motivation. An employer may offer a person a job in order to diversify a company; an employee who is indifferent to diversification would not have his plans or purposes undermined by accepting the offer. So long as the employer believes the employee's plans and purposes are consistent with the employer's, the two plans mesh such that the intervention does not undermine the moral status of either agent.

In the case of just war theory, the stakes are particularly high in these kinds of cases. Polk's decisions in the Mexican-American War to refuse the public knowledge that his plans and purposes included the creation of new slave states meant that even if there was just cause for war, Polk did not show moral respect for the American public. The group, in short, whose rights were at issue in the war would have rejected the plans and purposes intended by Polk. His decision to fight anyway meant that the war was done *to* the American public instead of being done *for* the public.

Consent versus endorsement. The endorsable-motives account also provides a more defensible method of meeting the demands highlighted by the outcomes-oriented account. The outcomes-oriented account suggests that wars are rightly intended if agents believe that the war will relieve the plight of the aggrieved. This perspective emphasises the status of the aggrieved without respecting their judgments, plans, or purposes. In most cases, an outcomes-oriented account that emphasises rescue will successfully meet the demands of individual autonomy: victims saved from humanitarian emergencies are likely to endorse the motives that led to them being saved. To take the victims' perspective seriously, however, means we need to take their judgments about the intervener's motivations seriously. Wheeler focuses heavily on the plight of the aggrieved – the particularly dire circumstances in which they find themselves – and justifies intervention based on circumstances. This does not emphasise the victims' perspective, simply their plight. The endorsable-motives principle moves a step further. The dire circumstances in which the aggrieved find themselves not only provide a potential just cause for war, but it makes the aggrieved a class whose judgments concerning effects of a war must be taken into account.

One potential criticism of the endorsable-motives requirement is that it permits paternalism. To concentrate on aggrieved's plans and purposes intuitively means they should consent to an intervention; therefore, the endorsable-motives test is too weak because active consent is not required. The endorsable-motives requirement requires that one needs to *believe* that the intervention is consistent with the aggrieved's plans and purposes; it does not require that one asks what they want.

This risks admitting paternalistic intentions as right intentions. In many senses, most wars are paternalistic: political elites believe they are entitled to make a decision on behalf of others, for their interests, and curtail their liberty during the process of fighting. Only wars where affected populations consent – even if only tacitly – avoid paternalism.³⁴ Avoiding paternalism may be important for right intentions if paternalistic intentions can never be right intentions. If avoiding paternalism is important, then consent is crucial and the simple *belief* that one's motives are endorsable is too weak. The argument of this section is that consent is an unreasonable standard when considering most interventions.

In the context of war, there are two main reasons for emphasising consent. The most frequent defence is instrumental. If the aggrieved do not consent to the intervention, then the intervention is likely to fail because it will be resisted by the group it intends to help.³⁵ This instrumental defence of the consent-based principle leads to two problems. First, it treats groups that are not roadblocks to military operations (the weak) as less worthy of moral respect. In the context of humanitarian intervention, if the goal is protection of the weak, the instrumental defence leads to the unfortunate conclusion that the weakest groups – those most in need of help – command the least amount of respect because they are the least likely to successfully resist. The more fundamental problem is that the instrumental argument tends to support, not cut against, paternalism. Consider the example of a man who wants to make decisions for his wife and orders her a salad, knowing she would prefer fish. The instrumental argument strangely posits that the problem is that she won't eat the salad, making paternalism ineffective. If she silently eats the salad, the instrumental defence implies that there is no morally troubling paternalism; yet, she may have done so because of a pattern of dependency or domination.

A second reason to highlight consent is that the aggrieved should be consulted because doing so enhances their individual autonomy. This defence makes sense of the intuitions regarding charity. Forcing someone to accept charity – say a house and a job in another city – is wrong even if we think they will benefit from the act.³⁶ Forcing someone to accept charity infringes on their autonomy because it substitutes a judgment of what others should want and do for what others would want and do without paternal guidance; it is a refusal to respect others' ability to make judgments about their plans and purposes.

The link between consent and autonomy, however, may be particularly weak in the context of just war theory. Many paternalistic wars have the effect of increasing individual autonomy because they reduce political oppression.³⁷ Interventions in Afghanistan, for example, clearly lacked explicit consent, but it may increase individual autonomy over time by removing the Taliban. Therefore, there may be no direct causal relationship between consent and autonomy.

Instead of requiring active consent, the endorsable-motives account requires that one *believes* the aggrieved would give consent if they had full information about the war. Respecting individuals'

³⁴ On defining paternalism, see Bernard Gert and Charles Culver, 'Paternalistic behavior', *Philosophy & Public Affairs*, 6:1 (1976), pp. 45–57.

³⁵ James Pattison, 'Representativeness and humanitarian intervention', *Journal of Social Philosophy*, 38:4 (2007), pp. 569–87; Fernando R. Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (2nd edn, Irvington-on-Hudson: Transnational, 1997), pp. 126–8.

³⁶ This claim is subject to restrictions related to maturity and sanity. See A. Gutmann, 'Children, paternalism, and education: a liberal argument', *Philosophy & Public Affairs*, 9:4 (1980), pp. 338–58; Daniel Wikler, 'Paternalism and the mildly retarded', *Philosophy & Public Affairs*, 8:4 (1979), pp. 377–92.

³⁷ See D. N. Husak, 'Paternalism and autonomy', *Philosophy & Public Affairs*, 10:1 (1981), pp. 27–46.

autonomy often involves a tension between prospective and retrospective judgments. Normally, respecting autonomy rests on prospective consent. For example, a doctor's office should have a patient's permission in advance before sharing their medical records. Usually, prospective consent is important because respecting a person's autonomy requires respecting their ability to judge whether an action is in their best interests. In certain cases, however, retrospective consent is more appropriate. We intuitively believe we should get help for a friend with substance abuse problems, even if it is against their stated wishes, thinking that they will 'thank us later'. This interference with a friend's individual autonomy is justified by the belief that their future self will endorse the action as consistent with their plans and purposes.³⁸

When considering intervention, retrospective consent is more appropriate than prospective consent. One reason relates to information. To respect individuals' capacity to form judgments does not require accepting judgments based on imperfect information. If a woman suffering a stroke declines my aid saying she believes I will rob her, I can provide her aid without undermining her autonomy: the only difference between our judgments is an erroneous claim about my intentions that I know to be wrong. To refuse to intervene, in fact, undermines their plans and purposes if I know that given more accurate information about my intentions they may have made a different decision. Similarly, one can intend to rescue a group who is declining aid, while respecting its autonomy, if one believes the group's refusal is due to suspect information.³⁹ One specific instance related to contemporary cases may relate to the identity of the intervener. If the reason the aggrieved reject an intervention is that they hold a stereotype of the intervener, believing the intervener is motivated by political, racial, or religious bias, then the intervener respects their judgments if the intervener knows that the only reason they are refusing to provide consent is wrong-headed (they are in fact not motivated by such bias); in the same way, one can respect the plans and purposes of a white patient who refuses treatment from a black doctor because he believes black doctors do not know their craft if one knows that the white patient is factually wrong and one does not have time to reason with them. In these cases, the intervention respects the plans and purposes of the aggrieved, and the violation of consent is premised on asymmetric information that cannot be shared during an emergence.

The second reason relates to future generations, and is closely related to the first instance of justified paternalism. Within the literature on medical paternalism, many argue that a doctor can save a patient without the patient's consent if the patient is 'not in their right mind', such as cases where the patient is suffering from a problem that makes their assessments of costs and benefits inaccurate (for example, 'the doctor is trying to kill me' or 'I am not going to die'). Yet, this does not provide doctors' license to do whatever they want because a doctor still needs to believe that the future self will endorse the intervention; they anticipate retrospective consent, securing the individual their autonomy.

Analogously, in international politics, future generations do not have the ability to consent prospectively (because they are not yet born or have not yet reached a mature age). Respecting the worth of future generations requires a mechanism that does not spring from prospective consent. In cases of war, respect for future generations is particularly important because a present generation's refusal to consent to war may lead to substantial costs for future generations forced to live under an

³⁸ Gert and Culver, 'Paternalistic behavior', p. 53; Bernard Gert and Charles Culver, 'The justification of paternalism', *Ethics*, 89:2 (1979), pp. 206–7.

³⁹ Bill New, 'Paternalism and public policy', *Economics and Philosophy*, 15:1 (1999), pp. 63–83.

oppressive, illiberal regime.⁴⁰ If one believes that future generations would likely consent to war, even if the present generation does not, then one can intervene on their behalf.⁴¹ This kind of guardianship of future generations – which is closely related to the origins of paternalistic thinking in early modern political theory – is justifiable on the grounds of individual autonomy.

Furthermore, obtaining consent in advance, in most cases, is simply impossible. In cases of self-defence, one may not have the time to conduct a representative poll or hold a referendum before an attack starts. Even if there is time to do so, the leadership may not want to provide the public with details of an impending attack for strategic reasons. These dynamics are more severe in cases of humanitarian intervention, where political conditions may prevent polling of the people one is intervening to save. For an intervener to show respect for those they are trying to save does not require them to do the impossible; but, they need to reflect on what the plans and purposes are of those they are trying to help and consider whether the interveners' plans and purposes mesh with them.

Endorsable-opportunities

The third element of the public intentions account of right intentions is the claim that one cannot rightly intend an intervention if one cannot endorse the opportunities afforded to the aggrieved. This section first explains the endorsable-opportunities test, showing its connections to the peace-directed account.

The reason to emphasise the endorsable-opportunities test is related to the concerns that animate the peace-directed account. Recall that the peace-directed account of right intentions suggests that if one goes to war without the intention of securing peace afterward, then war is wrongly intended. For Augustine and Aquinas, a desire for revenge or simple bloodlust threatens peace. The endorsable-opportunities test uses the same concern – one should have the foreknowledge that peace will result – to make sense of more contemporary threats to peace.

The endorsable-opportunity test rests on an argument about the responsibility for future harms that may be committed by agents whose rights are damaged in the present. If an agent has foreknowledge that the group on whose behalf it is intervening will likely engage in future misconduct involving gross violations of human rights, then the agent's intentions include those violations. Intentions include the likely consequences of an action, even if those consequences are not one's primary goal.⁴² In the context of just war theory, one inevitable outcome of war is to empower different political groups with opportunities to obtain power; therefore, one is responsible for what one thinks those groups will do with their newfound power. If one knows the group will likely engage in gross violations of human rights, one cannot rightly intend to intervene because doing so would be based on immoral intentions.

This responsibility can be assessed through utilitarian or rights-based considerations. A contrast between humanitarian intervention and humanitarian aid workers illustrates the rights-based and utilitarian arguments. Aid workers often note impartiality as a fundamental principle guiding their work: they have an obligation to provide life-saving treatment to those that need it, even if aid

⁴⁰ On the problem of the present generation discounting future generations, see Cass R. Sunstein and Richard H. Thaler, 'Libertarian paternalism is not an oxymoron', *The University of Chicago Law Review*, 79:4 (2003), pp. 1159–202.

⁴¹ For an analogous argument in education, see A. Gutmann, 'Children, paternalism, and education: a liberal argument', *Philosophy & Public Affairs*, 9:4 (1980), pp. 338–58.

⁴² Michael Bratman, *Intention, Plans, and Practical Reason* (Cambridge: Harvard University Press, 1987).

recipients will then engage in violence against innocents.⁴³ There is a stark difference between provision of humanitarian aid and humanitarian intervention. For humanitarian workers, the dilemma is that aid *may* cause harm *after* the provision of aid has occurred. When contemplating humanitarian intervention, however, the dilemma is that *before* one can provide aid, one *must* cause harm by killing soldiers and likely innocents.

The necessity of causing harm before rescue has important implications for thinking about endorsable-opportunities. A central utilitarian justification for war is that the harm committed before rescue is necessary to prevent some larger harm from occurring in the future. If, however, the after-effects of rescue are continued harm, the utilitarian justification fails. In short, because rescue bears a heavy cost (in terms of the lives of soldiers and innocents), one must be sure that the aggrieved's political opportunities balance against the initial cost of the war. Therefore, one must examine what the rescued group will do with the opportunities afforded by war. If one cannot endorse those opportunities, one cannot rightly intend a war on utilitarian grounds.

Similarly, the difference between humanitarian aid and intervention illustrates rights-based arguments for the endorsable-opportunities test. The humanitarian principle of impartiality refers to aid workers' desire not to choose sides in political conflicts because every party merits life-saving aid. In contrast, most wars – whether of self-defence or to aid a persecuted group abroad – are decidedly partial. Interventions attempt to rescue one specific group by killing others. The type of rights-based considerations that animate aid workers' concerns, therefore, are different than those that animate the decision to go to war. Whereas all persons may have claims on aid providers for medical care (the impartiality principle), every group does not necessarily have a claim on an intervening state, in part because intervention requires killing on behalf of the aggrieved. Therefore, foreknowledge about what the aggrieved will do with the opportunities provided by war is particularly important. Put bluntly, to assess the merit of a group's position *vis-à-vis* those one will kill in rescuing that group, one must evaluate groups' political plans and purposes. If one has foreknowledge that the aggrieved will engage in genocide, mass rape, or political oppression, thus leading to an unjust or short-lived peace, one has not rightly intended the war.

One might argue that the endorsable-opportunities test is unrealistic because intervention may involve trade-offs where saving one group will empower others to commit harms. There is some measure of truth in this objection. If South Vietnam folded, the North Vietnamese would likely have committed atrocities. Yet, aiding South Vietnam requires aiding a human rights oppressor. If there are truly no options to prevent gross violations of human rights, then weighing the consequences of an intervention against not intervening may be appropriate. In general, however, one usually has options besides choosing between massacres. When choosing to support a group, one must carefully weigh additional options related to arming the group (instead of deploying troops), monitoring the group (instead of quickly transitioning to independence), or ensuring the group has adequate training for its police and military to reduce the chances of human rights abuses. Realising that one is

⁴³ There are reasons to be suspicious of this moral position as aid workers are then at least partly responsible for resulting harms. Critical discussions are in Bronwyn Leebaw, 'The politics of impartial activism: Humanitarianism and human rights', *Perspectives on Politics*, 5:2 (2007), pp. 223–39; Jennifer Cyd Rubenstein, *Between Samaritans and States: The Political Ethics of Humanitarian NGOs* (Oxford: Oxford University Press, 2015); Fiona Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action* (Ithaca: Cornell University Press, 2002), pp. 23–4; Thomas G. Weiss, 'Principles, politics, and humanitarian action', *Ethics & International Affairs*, 13:1 (1999), pp. 1–22.

responsible for the opportunities generated by an intervention should make policymakers cautious about the options they choose.

Conclusion

In the preceding sections, I defended a novel account of right intentions, suggesting that an individual rightly intends war when: (1) her motivations could be endorsed by the aggrieved on whose behalf a war is fought; and (2) she can endorse what the aggrieved will likely do with the political and military opportunities provided by war. This account of right intentions meets many of the underlying concerns that animate existing accounts. It emphasises the importance of peace by requiring that political and military opportunities cannot be provided to agents who intend to make an unjust peace. By highlighting the importance of the aggrieved's endorsement, it concentrates on outcomes and victims. By requiring that the aggrieved be able to endorse the intervener's motivations, it checks motivations that are willfully unjust. And, by focusing on individuals, it avoids the thorny problems of democratic theory that animate accounts of mixed motives. Throughout, I have tried to show that these are problems of intentions. In contemporary, popular debates about the justifiability of war, when the public or political elites debate the ethics of interventions in Afghanistan, Iraq, and Libya, they are discussing the importance of intentions and thus highlighting aspects of the public intentions model.

A critic might worry that this test is overly permissive because it allows for paternalistic interventions in cases where consent is not given. Moreover, the intervener's intentions – whether he is intervening without consent because of greed or a genuine concern over future generations – is extraordinarily difficult to know, checking the utility of right intentions. I disagree. Practically speaking, to identify whether an intervention meshes with the plans and purposes of those on whose behalf a war is justified requires a process of dialogue between groups. If a policymaker claims that it is intervening on some group's behalf, then the policymaker must be able to justify how her plans and purposes mesh with those of the affected group. While in some cases it is not feasible to have a dialogue between the intervener and those they are intervening to save, this does not mean that the intervener thereby escapes the need to justify the intervention to the group who are the source of just cause. If a policymaker knows that a group would not consent to an intervention, then they need to be able to explain why a case of intervention is an instance of justified paternalism. If they are acting to save future generations or if they are acting because the group who are the source of just cause do not have adequate information to consent, then they need to be able to credibly defend these positions. In short, while it does not require dialogue before intervention, it helps us to make sense of why dialogue with those affected by war is important and why political elites need to be able to credibly defend the political aspirations of those on whose behalf they intervene. While there is still ambiguity about individuals' intention on this model, identifying policymakers acting on right intentions as public intentions is likely easier than identifying whether a policymaker is sincerely motivated by just cause, has vengeance in his heart, and so on because the discussions between political elites and those they want to save must be done with an appropriate attitude of respect and deliberate concern.

Unpacking right intentions as public intentions also points to a broader conclusion. Historically, the central concepts of just war theory developed during a period in which public reason had little place in understanding our obligations to one another. The international system has changed since Augustine and Aquinas. To rightly intend an act to rescue or defend others means paying the objects of rescue or defence a minimum level of moral respect by ensuring that they would endorse a war on their behalf and treating them as agents, thinking through whether one can endorse what they will do

give political opportunities that emerge from a war. Both tests intend to treat the objects of rescue as agents, who have a stake in the war, and are capable of moral reasoning.

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Biographical information

Eric Grynawski is an Assistant Professor of Political Science and International Affairs at George Washington University. His book *Constructive Illusions* (Cornell University Press) won the 2015 Jervis-Schroeder Prize from the International History and Politics Section of the American Political Science Association. His work has been published in the *European Journal of International Relations*, *International Organization*, *International Theory*, and *Security Studies*.