

Humanitarian Intervention? Justice between Sovereignty and Human Rights: J. Habermas Versus C. Schmitt

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Abstract

This study analyzes the humanitarian intervention in Kosovo through the perspectives of Habermas and Schmitt, underscoring its relevance to the ongoing war in Ukraine. It notes that while the Ukraine conflict is often viewed as indicative of the decline of U.S. hegemony, there is a paucity of in-depth theoretical discussion on its fundamental elements. The study emphasizes the tension arising from the duality of U.S. liberal norms (human rights protection versus intervention) and the conflict between human rights and state sovereignty. By using the concluded Kosovo case, it illustrates the dilemma of intervention for human rights protection, which closely mirrors the situation in Ukraine. The study contends that the primary issue lies in the conflict between human rights and sovereignty, as well as between intervention and protection, exposing the collapse of liberal norms and the philosophical foundations underlying the decline of U.S. hegemony. It highlights the importance of critically examining human rights and sovereignty within the broader context of the decline of U.S. hegemony and the rise of multipolarity, with the aim of identifying objectives for the emerging international order.

Keywords: *Norms, Interventionism, Sovereignty, Non-aggression Pact, Ukraine War, Kosovo War.*

I. INTRODUCTION

The persistent conflict in Eastern Europe during the 21st century poses a considerable challenge to the core principles traditionally regarded as peremptory norms (Cha 2023; Higgot and Reich 2022; Traub 2022). For example, the war between Russia and Ukraine brings several critical issues to the forefront. Russia has declared a special operation to occupy the Donbas region, justifying it under the guise of a humanitarian intervention obligation (Lee 2022, 32-34). Conversely, Ukraine disputes Russia's special operation, invoking the principle of sovereignty and labeling it as an illegal occupation and invasion of the Donbas region, which it considers part of its sovereign territory (Hathaway 2023; Kelly 2023). This situation exemplifies a conflict between human rights norms, which developed under the liberal international order led by the United States, and the inviolable sovereignty of nation-states, a concept that became entrenched with the end of the imperialist colonial era in the 20th century.

Historically, tensions between human rights and sovereignty have been discussed within the framework of humanitarian intervention. However, the recent Russia-Ukraine conflict is increasingly seen as indicative of the decline of American hegemony and the liberal international order, rather than merely a humanitarian issue. This interpretation arises from Russia's claim of liberal intervention, which symbolizes the normative collapse of the United States. Despite this, the fundamental issue remains unchanged. A comprehensive understanding of the enduring dilemma between human rights and sovereignty is crucial to grasp the hegemonic dynamics influencing the evolving and sustaining international order.

The modern state system finds its origins in the Peace of Westphalia, where the principle of state sovereignty was established as the foundation of international relations (Donnelly 2013). Since then, non-intervention in the domestic affairs of sovereign states has become a norm in international politics. However, the atrocities of the Holocaust during the Second World War underscored the necessity of not leaving the fate of human rights solely to the principle of state sovereignty (Fonteyne 1973, 206). This shift in perception is reflected in Article 1 of the Charter of the United Nations, which identifies as a key objective "promoting and encouraging respect for human rights and for fundamental freedoms for all." The United Nations, established in 1945, aimed to promote international peace, security, and human rights. Subsequently, the theory of humanitarian intervention—entailing the deployment of armed forces or threats thereof by a single nation, national groups, or international organizations to protect people in another nation from severe human rights violations—has gained increasing acceptance (Hoffman 1984, 9-10; Rosenau 1969, 153-154). Nonetheless, humanitarian intervention remains at odds with the principle of state sovereignty. Since the postcolonial era, UN peacekeeping forces and other multinational forces authorized by the UN have intervened in catastrophic human rights violations in Iraq, Somalia, Bosnia, Rwanda, and other regions, though not without significant controversy.

The international controversy over humanitarian intervention peaked during the Kosovo crisis at the end of the 20th century. On March 24, 1999, the North Atlantic Treaty Organization (NATO) launched air raids against Serbia without UN approval, aiming to protect universal human rights. This action reignited the debate on the justifiability of humanitarian intervention, which had appeared dormant in the 1990s. NATO justified its high-tech air raids as necessary to protect innocent civilians from ethnic cleansing and human rights atrocities (Habermas 2006: 19). However, the controversial nature of humanitarian intervention became glaringly evident as the Kosovo crisis escalated with NATO's involvement, resulting in the destruction of numerous civilian facilities, a rising death toll, and approximately 800,000 ethnic Albanians fleeing their homeland.

Jürgen Habermas's perspective on this issue is particularly intriguing. Known as a proponent of "discourses free from domination," Habermas's endorsement of military intervention for achieving specific goals surprised many. He views the Kosovo crisis as indicative of a shift from international law to cosmopolitan law, positioning it as a critical issue on the international agenda (Habermas 2006, 28-29). Habermas attributes historical significance to the Kosovo crisis, arguing that it marked a pivotal turning point in transforming classical international law into a cosmopolitan law for global citizens (Habermas 2006, 20-22). Once the international community embraces this change and formalizes cosmopolitan law, individuals could appeal human rights violations by their national governments to this cosmopolitan framework, thereby granting human rights a force that transcends state sovereignty.

However, Habermas's theory of cosmopolitan rights raises several questions, particularly concerning the legitimacy of international law, the propriety of international intervention, the moral justifiability of intervention, and the rationality of the outcomes. The excessive intervention in Somalia in 1992 and the failure to take sufficient action during the Rwandan crisis in 1994 illustrate that humanitarian intervention involving military resources remains a controversial and painful issue. This controversy is heightened by the fact that economic and military power, alongside the national interests of intervening states, ultimately determine whether to intervene, despite the ostensibly humanitarian rhetoric.

In this study, I examine the controversy, accentuated by the Kosovo crisis, over the question of humanitarian intervention between proponents of human rights in the age of globalization (i.e., cosmopolitan rights) and their state sovereignty counterparts, particularly through the theoretical lens provided by Habermas. To this end, it is necessary first to review the arguments put forward by the two opposing sides regarding the intervention in Kosovo. Next, I critically assess Habermas's theoretical justification of the intervention in Kosovo. Finally, I conclude with a reflection on the outcomes of the Kosovo crisis and their implications for the tension between human rights and state sovereignty.

II. LEGITIMACY OF HUMANITARIAN INTERVENTION: THE CASE OF THE KOSOVO CRISIS

The legitimacy of humanitarian intervention during the Kosovo crisis has been scrutinized for three primary reasons: the manipulation of information by the intervening parties to justify their actions, the contentious nature of international law, and the moral complexities involved.

NATO's military action against Yugoslavia represented the first instance of the organization's use of force, necessitating extensive justification as it was conducted not for the defense of the alliance—its original mandate—but for humanitarian intervention. Initially, it appeared implausible to garner European public support for another war on their continent without UN approval, especially so soon after two catastrophic world wars. Nonetheless, NATO's decision to attack received significant public support. This support was achieved through the dissemination of distorted facts by the intervening states, which inundated the media in the days preceding the attack, rather than through accurate analyses (Bloch and Lehman-Wilzig 2002). Media coverage highlighted the brutality of Serbs expelling innocent Albanians from Kosovo while downplaying the historical oppression faced by Serbs from the Albanian majority in Kosovo and neglecting the morally questionable actions of the Kosovo Liberation Army. Western Europe was thus predominantly exposed to narratives of Serbian savagery without objective verification (Bennett 1990). To secure public support for the attack, NATO member state governments and sympathetic media emphasized signs of ethnic cleansing against specific ethnic or religious groups, thereby demonizing the alleged perpetrators (Norris et al. 2013). Consequently, media reports underscored the necessity of military intervention against an otherwise insurmountable evil, making it nearly impossible to conduct comprehensive and rational evaluations of the feasibility and morality of humanitarian intervention.

Secondly, NATO proceeded with its attack without formal authorization from the UN—Russia vetoed the intervention proposal at the UN Security Council—thus violating international law. Moreover, NATO's actions contradicted the founding principles of the UN system and the constitutional ethos of various states, which mandate that the voluntary mobilization of military resources on the international stage must be restrained and minimized to guarantee collective security (Fonteyne 1973, 277; Orakhelashvili 2006, 50-51; Simma 1999, 3; Tesón 1988, 15-16). Advocates of military intervention to protect human rights argue that such intervention can be justified if several conditions are met, such as being conducted against a backdrop of specific and verifiable human rights violations. Military intervention should be a last resort, aimed solely at restoring violated rights, and the scale and scope of military means used must remain proportional (Franck and Rodley 1973; Greenwood 2000,

929-934; Schachter 1991, 126). This argument, however, shifts the debate from the legality of humanitarian intervention to its justice.

Given the inadequacy of international law to justify humanitarian intervention, proponents have shifted the debate to questions of morality and just war. The global expansion of human rights and democracy often serves to mask the pursuit of selfish interests by powerful states under the guise of moral and political ideals. When social groups or individuals equate the advancement of their interests with the promotion of certain ideals or values, these ideals become mere instruments in the service of power (Chesterman 2001; Schachter 1984; Schmitt 1999). The expansion of ideals, in other words, implies an imperialistic drive for expansion. The political use of morality necessarily hinges upon the convergence of power and knowledge. Moral ideals are not immune to the mechanisms of power, which shape and disseminate ideas that support its maintenance (Foucault 1977; Schmitt 2011a). Historically, imperialism has progressed not only through military and economic strength but also through the power of empires to produce dominant political and legal ideas. Therefore, war could never serve universal human values. Proponents of intervention who claim otherwise only magnify and deepen the intensity of war with their ideological campaigns.

Another crucial question, alongside the legitimacy and morality of intervention, is how intervention should be conducted and to what end (Schramme 2007). The key aspect to consider in this regard is the impact on innocent civilians and how the outcome should be evaluated. The acceptability of intervention largely hinges on balancing the damaging outcomes for innocent civilians against the goal of alleviating suffering. Even on this question, proponents of intervention struggle to justify their support. It was predictable from the outset that NATO's attack would prompt a refugee outflow from Kosovo, neutralize anti-dictator and democratic forces among the Serbs, and ultimately mobilize support for the Slobodan Milosevic regime. In other words, it was evident from the beginning that Milosevic, buoyed by rising popularity among the Serbs, would resort to unprecedented retaliation (Chomsky 2000, 34-50). Those who seek to justify humanitarian intervention through logical and moral arguments fundamentally lack insightful considerations of how violence functions in real life.

Most interventionists begin their arguments from a set of universal principles, such as human rights, but often arrive at utilitarian conclusions. They attempt to justify intervention where the utility of rescue appears greater than the human cost (Bentham 2005, 109). The problem with this utilitarian reasoning lies in the impossibility of morally justifying the sacrifices of innocent lives for the greater benefit of the many. If the basic premise of universal morality is the rational acceptance (or acceptability) of its tenets by all those bound by them, then humanitarian intervention involving moral and human costs would certainly fail to meet this premise (Bentham 1839, 544; Kersting 2000, 225; Orend 2000, 51). In complex human tragedies like the Kosovo crisis, where the distinction between victim and perpetrator is blurred and all parties involved seek to minimize their costs and sacrifices, intervention may backfire. Situations like the Kosovo crisis require humanitarian aid, not humanitarian intervention (Malanczuk 1993, 6).

III. ADVANCEMENT OF HUMAN RIGHTS OR A RETURN TO THE STATE OF NATURE?

Habermas argues that the concept of cosmopolitan rights has not yet found appropriate institutional frameworks, even as globalization progresses and dismantles national borders (Habermas 2006, 25-26). This situation highlights a discrepancy—both practical and

theoretical—between the legitimacy of the means used to produce and maintain peace and their effectiveness. UN-approved actions during the Bosnian War ultimately failed, leading to the massacre in Srebrenica, a UN-designated safe area. Conversely, NATO's unauthorized intervention effectively pressured the Serbian government to end the Kosovo crisis. NATO member states interpreted international law uniquely and enforced it unilaterally, comparable to Batman's vigilantism. Habermas seems to believe that only initiatives like NATO's can restore order and peace, arguing that neighboring democratic states, lacking other options, must undertake paternalistic emergency rescues (Habermas 2006, 27-30).

While Habermas's argument may underscore the moral necessity of humanitarian intervention, it struggles to legally justify NATO's actions in Kosovo. Here, I will examine Habermas's theory of humanitarian intervention and critically assess whether the intervention in Kosovo represents progress towards a cosmopolitan legal order or a regression into lawlessness.

First, for the intervention in Kosovo to signify progress towards a cosmopolitan legal order, it must be shown that all non-military alternatives were exhausted. However, NATO member states did not pursue such alternatives through dialogue with opposing parties like Russia and China (Herrmann 1986; Rosenau and Holsti 1983, 379). NATO members feared that such objections would undermine the moral core of their initiative. The Clinton administration—or at least some key officials—considered humanitarian intervention in Kosovo necessary and justifiable as early as 1998. The administration's policy regarding the UN was that while America should support UN principles, its freedom of action should not be constrained by the UN (Hastedt 2011, 68; Melanson 2000, 271-272). The Rambouillet Accords of February 1999, the last effort to resolve the Kosovo crisis peacefully, demanded terms unacceptable to Belgrade, leading some to speculate that NATO intended the Accords to fail (Daalder and O'Hanlon 2000, 64-65). These events raise serious questions about whether NATO exhausted all diplomatic and peaceful options before deciding to attack Yugoslavia.

Second, it is questionable whether NATO's decision to intervene in Kosovo was subject to fair institutional checks and balances. NATO member states effectively nullified the lawsuit raised by the Serbian government with the International Court of Justice (ICJ), the only body capable of judging the legitimacy of international rescue missions. NATO claimed that Serbia was not the proper legal heir to the Federal Republic of Yugoslavia. However, this objection reflected a deeper concern about allowing the ICJ to render judgments not only on crimes in the former Yugoslavia but also on illegal actions by the US government, which proclaimed itself a pioneer of a more just international order. According to Habermas, the rise of international relations in the mold of cosmopolitan law is impossible without lawful conflict resolution. Only the institutionalization of legal and peaceful conflict resolutions can protect legally guaranteed rights against indiscriminate moralizing and prevent moralistic discrimination against alleged enemies (Habermas 2006, 24-26). For NATO's intervention in Kosovo to exemplify the evolution of the current world order into a borderless cosmopolitan one, NATO should have resorted to formal bodies like the ICJ as the primary recourse for peaceful conflict resolution, thereby setting a precedent.

Third, attempts at intervention lacking legitimacy must be minimized and confined to exceptional circumstances. Illegitimate humanitarian interventions like the one in Kosovo should have prompted greater international efforts to prevent recurrence. However, numerous attempts have been made to cite the Kosovo case as a precedent. To those who argue that NATO's initiative could revive the logic of power in international relations, Habermas firmly

responds that the Kosovo case should never be used as a precedent. Nonetheless, NATO has officially endorsed a plan to justify future military actions independently, even bypassing the UN Security Council if necessary (Mandelbaum 1999, 5-6).

Habermas's claim that NATO's action in Kosovo can be justified as an emergency rescue mission is based on vulnerable arguments (Habermas 2006, 37-38). Besides the question of whether international law justifies military interventions in the name of emergency rescue, Habermas's claim evades whether the process of that 'rescue mission' was indeed proper and justifiable. Even domestic laws do not permit all forms of help. International help, even for humanitarian purposes, requires careful consideration of proper means and foreseeable outcomes (Schramme 2007). Although Habermas acknowledges these problems, he ultimately casts NATO's war against Yugoslavia positively, as signifying the arrival of cosmopolitan rights rather than a regress to the state of nature (Habermas 2006, 20-21). Habermas's optimism stems from his positive appraisal of NATO member states' foreign policies, including those of the United States. In an international community where the UN remains ineffective, the United States, as the sole superpower, is compelled to maintain global peace and order. Human rights then serve as the moral value and indicator for evaluating the superpower's political objectives and actions (Habermas 1998, 187-188). However, this argument loses its persuasive power when considering historical examples, such as Washington's treatment of Iraq after the Iranian Revolution. Even while the Saddam Hussein regime perpetrated unpardonable human rights violations, including using biochemical weapons against the Kurds, Washington supported Iraq in its war against Iran. The United States still counts among its international allies some of the countries most notorious for routine human rights violations (Arnove et al. 2002).

The premises Habermas relies on to justify NATO's military intervention in Kosovo are indefensible. As Carl Schmitt once said, a 'war to end all wars' is merely an instrument of deception and carries no measure of legitimacy or legality (Schmitt 2008, 49). Schmitt points out that humanitarian rhetoric degrades the enemy into a morally impermissible monster, amplifying the war's cruelty (Schmitt 2006, Ch3; Schmitt 2008, 36). To Schmitt, the politics of human rights fuels an endless cycle of uncompromising war against evil (Habermas 2006, 24-25). Schmitt thus refuses to define, in line with the classical international law tradition in Europe, the enemy as conducting unjust and criminal war. Instead, he insists on viewing the enemy as a mere adversary to be engaged in warfare without moral discrimination (Schmitt 2006; Schmitt 2011b). Humanitarianism instrumentalizes morality as an ideological tool of warring states. It is this moralization of politics that turns enemies into criminal and demonic forces, adding to the inhumanity and brutality of war.

Habermas himself acknowledges some of Schmitt's points as valid (Habermas 2006, 24). Of course, Habermas's starting point is free from Schmittian charges against the politics of human rights. The hasty disavowal of moral approaches in politics is not without its own problems. The progression of the Kosovo crisis, however, supports the conclusion that NATO's intervention was unjustified in all respects, including the moral acceptability of the reason, the propriety of military intervention as a last resort, the moral intent, the need to base military actions on accurate and detailed forecasts, the propriety of the military means deployed, the distinction between combatants and civilians, the use or non-use of weapons of mass destruction, the protection of social infrastructure, and so on. Moreover, NATO's intervention in Kosovo could not be justified according to any of the 'just intervention' criteria that Habermas himself advocates. The unforeseen repercussions of the Kosovo crisis ultimately compromise the justice and legitimacy of NATO's action.

IV. THE CONSEQUENCES OF NATO'S INTERVENTION IN KOSOVO FOR GLOBAL ORDER AND STABILITY

The NATO intervention in Kosovo raised several significant issues, both in its execution and its broader implications for international order and peace (Ali et al. 2000). It is particularly important to avoid setting the Kosovo case as an international precedent. The Chechen conflict may well be the first to cite the Kosovo case as a precedent. During the outbreak of the First Chechen War, the Russian perspective on international law and legitimacy mirrored that of NATO. This precedent effect appears to be taking root, as attempts to justify military interventions on humanitarian grounds are evident in America's national security strategy and the European Union's counterpart (Clinton 1994, 5; Simma 1999). The wars in Afghanistan (beginning in October 2001) and Iraq (beginning in 2003) were both justified not under international law but in the name of human rights, democracy, and liberation from dictatorship. These developments are particularly concerning as they create greater room for justifying future NATO interventions, which may be driven more by political and economic interests than by genuine humanitarian concerns. This trend may broaden the scope of violence on the international stage, shifting from narrow self-defense to the exercise of a self-granted right of preventive warfare (Ali et al. 2000). This situation, however, represents a regression to the colonial order, where interventions in other states were justified in the name of human rights and civilization (Mill 1974, 115). The only remaining defense against the growing imperial pressure from powerful countries would then be the buildup of military strength and weapons for asymmetrical warfare.

Equally controversial as the question of determining the propriety and legitimacy of intervention in exceptional circumstances is the question of follow-up actions after such intervention. Without genuine efforts to address the root causes of conflicts post-intervention, the intended outcomes of the intervention will never be achieved. Regardless of the purity and sincerity of the humanitarian aims of intervention, the failure of its outcomes will continue to raise questions regarding both its effectiveness and morality.

Habermas's vision of human rights evolving into cosmopolitan rights, potentially through military intervention, clearly differs in purpose from the politics of human rights championed by Western powers. However, this renders his defense of the intervention in Kosovo self-contradictory. Humanitarian intervention in the Kosovo case failed not only to fulfill the original purpose of providing emergency rescue but also exacerbated the severity of the conflict. Consequently, the small yet significant historical progress made to protect small states against invasion by powerful ones has been rendered ineffective. Habermas's support for military intervention in Kosovo threatens to reduce his theory to a mere discursive ornament on the power politics of imperialism.

V. CONCLUSION

This study contrasts the perspectives of Habermas and Schmitt through the lens of the concluded humanitarian intervention in Kosovo, a comparison that is especially relevant to the ongoing war in Ukraine. The divergence between international norms and state sovereignty creates significant tension regarding mutual interference among nations and the resistance to such interference. The Kosovo case exemplifies the dilemma of intervention for the protection of human rights, a situation that closely mirrors the current events in Ukraine. While numerous scholars view these occurrences as indicative of the decline of American hegemony, the fundamental issue centers on the conflict between human rights and sovereignty, as well as

between intervention and protection. This conflict not only challenges American norms but also hampers the functioning of liberal norms, thereby contributing to the discourse on the decline of American hegemony. In light of this, it is essential to critically analyze the nature of human rights and sovereignty within the larger context of the decline of American hegemony and the rise of multipolarity. Although the outcome of the war in Ukraine remains uncertain, this study aims to identify the objectives that should be pursued within the emerging international order.

Bibliography

- 1) Ali, Tariq. 2000. *Masters of the Universe: NATO's Balkan Crusade*. London: Verso.
- 2) Arnove, Anthony. 2002. *Iraq under Siege: The Deadly Impact of Sanctions and War*. Cambridge, MA: South End Press.
- 3) Bennett, Lance W. 1990. Toward a Theory of Press-State Relations in the United States. *Journal of Communication* 40(2), 103-127.
- 4) Bentham, Jeremy. 2005 [1823]. *An Introduction to the Principles of Morals and Legislation*. Oxford: Oxford University Press.
- 5) Bentham, Jeremy. 1839. The Principles of International Law. In *The Works of Jeremy Bentham* (Vol. 2). Edinburgh: Simpkin, Marshall, & Co.
- 6) Bloch, Yaeli, & Lehman-Wilzig, Sam. 2002. An Exploratory Model of Media-Government Relations in International Crises: US Involvement in Bosnia 1992-1995. In *Media and Conflict: Framing Issues, Making Policy, Shaping Opinions*, Leiden: Brill, 153-173.
- 7) Cha, Taesuh. 2023. "Towards a Post-Unipolar Moment? Divining an Emerging World Order in the Post-Ukraine War Era." *Review of International and Area Studies* 32(1), 1-39.
- 8) Chesterman, Simon. 2001. *Just War or Just Peace?: Humanitarian Intervention and International Law*. Oxford: Oxford University Press.
- 9) Chomsky, Noam. 2000. *Rogue States: The Rule of Force in World Affairs*. Cambridge, MA: South End Press.
- 10) Clinton, Bill. 1994. *A National Security Strategy of Engagement and Enlargement*. Washington, D.C.: White House Printing Office.
- 11) Daalder, Ivo. H., & O'Hanlon, Michael. E. 2000. *Winning Ugly: NATO's War to Save Kosovo*. Washington, D.C.: Brookings Institution Press.
- 12) Donnelly, Jack. 2013. *International Human Rights*. New York: Westview Press.
- 13) Fonteyne, Jaen-Pierre. L. 1973. "The Customary International Law Doctrine of Humanitarian Intervention: Its Current Validity under the UN Charter." *California Western International Law Journal* 4, 203-277.
- 14) Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*. Trans. New York: Pantheon Books.

- 15) Franck, Thomas. M., & Rodley, Nigel. S. 1973. After Bangladesh: The Law of Humanitarian Intervention by Military Force. *American Journal of International Law* 67, 275-305.
- 16) Greenwood, Christopher. 2000. "International Law and the NATO Intervention in Kosovo." *International and Comparative Law Quarterly* 49(4), 926-934.
- 17) Habermas, Jürgen. 1998. *The Inclusion of the Other: Studies in Political Theory*. Cambridge, MA: MIT Press.
- 18) Habermas, Jürgen. 2006. *Time of Transitions*. Cambridge: Polity.
- 19) Hastedt, Glen P. 2011. *American Foreign Policy*. New Jersey: Prentice Hall.
- 20) Hathaway, Onna A. 2023. How Russia's invasion of Ukraine tested the international legal order, Brookings Commentary, April (3rd) Available from: <https://www.brookings.edu/articles/how-russias-invasion-of-ukraine-tested-the-international-legal-order/>.
- 21) Herrmann, Richard. 1986. The Power of Perceptions in Foreign-Policy Decision Making: Do Views of the Soviet Union Determine the Policy Choices of American Leaders? *American Journal of Political Science* 30(4), 841-875.
- 22) Higgott, Richard and Simon Reich. 2022. "The Age of Fuzzy Bifurcation: Lessons from the Pandemic and the Ukraine War." *Global Policy* 13(5), 627-639.
- 23) Hoffman, Stanely. 1984. The Problem of Intervention. In H. Bull (Ed.), *Intervention in World Politics*. Oxford: Oxford University Press, 7-28.
- 24) Kelly, Michael J. 2023. The Role of International Law in the Russia-Ukraine War. *Case Western Reserve Journal of International Law* 55(1). 61-92.
- 25) Kersting, Wolfgang. 2000. Bewaffnete Intervention als Menschenrechtsschutz. In H. Merkel (Ed.), *Globalisierung als Problem von Gerechtigkeit und Steuerungsfähigkeit des Rechts*. Stuttgart: ARSP Verlag Wiesbaden, 187-231.
- 26) Lee, Yoochul, 2022. "Conflict between the Order and Norms in the War in Ukraine: From the Ethics of Power to Immoralismus." *Korean Journal of International Relations* 62(4), 7-56.
- 27) Malanczuk, Peter. 1993. *Humanitarian Intervention and the Legitimacy of the Use of Force*. Amsterdam: Het Spinhuis.
- 28) Mandelbaum, Michael. 1999. "Perfect Failure: NATO's War against Yugoslavia." *Foreign Affairs* 78(5), 2-8.
- 29) Melanson, Richard A. 2000. *American Foreign Policy since the Vietnam War: The Search for Consensus from Nixon to Clinton*. New York: M.E. Sharpe.
- 30) Mill, John Stuart. 1974. A Few Words on Non-Intervention. In J. M. Robson (Ed.), *Collected Works of John Stuart Mill* (Vol. 21). Toronto: University of Toronto Press, 109-124.
- 31) Norris, Pippa, Kern, Mmontague, & Just, Marion (Eds.). 2013. *Framing Terrorism: The News Media, the Government, and the Public*. New York: Routledge.

- 32) Orakhelashvili, Alexander. 2006. *Peremptory Norms in International Law*. Oxford: Oxford University Press.
- 33) Orend, Brian. 2000. *War and International Justice: A Kantian Perspective*. Waterloo, Ontario: Wilfrid Laurier University Press.
- 34) Rosenau, James N. 1969. "Intervention as a Scientific Concept." *Journal of Conflict Resolution* 13(2), 149-171.
- 35) Rosenau, James N., & Holsti, Ole R. 1983. "US Leadership in a Shrinking World: The Breakdown of Consensus and the Emergence of Conflicting Belief Systems." *World Politics* 35(3), 368-392.
- 36) Schachter, Oscar. 1984. "The Right of States to Use Armed Force." *Michigan Law Review* 82(5), 1620-1646.
- 37) Schachter, Oscar. 1991. *International Law in Theory and Practice*. Dordrecht: Martinus Nijhoff Publishers.
- 38) Schmitt, C. 1999. Ethic of State and Pluralistic State. In C. Mouffe (Ed.), *the Challenge of Carl Schmitt*. London: Verso, 195-208.
- 39) Schmitt, Carl. 2006. *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*. New York: Telos Press Publishing.
- 40) Schmitt, Carl. 2008. *The Concept of the Political: Expanded Edition*. Chicago: University of Chicago Press.
- 41) Schmitt, Carl. 2011a. Forms of Modern Imperialism in International Law. In S. Legg (Ed.), *Spatiality, Sovereignty and Carl Schmitt: Geographies of the Nomos*. London: Routledge, 29-41.
- 42) Schmitt, Carl. 2011b. the Turn to the Discriminating Concept of War. In T. Nunan (Ed.), *Writings on War*. Cambridge: Polity Press, 30-74.
- 43) Schramme, Thomas. 2007. Humanitäre Intervention: Eine Contradictio in Adjecto? In M. Albrecht & E. Meggle (Eds.), *Globalisierung als Problem von Gerechtigkeit und Steuerungsfähigkeit des Rechts*. Stuttgart: ARSP Verlag Wiesbaden, 77-98.
- 44) Simma, Bruno. 1999. "NATO, the UN and the Use of Force: Legal Aspects." *European Journal of International Law* 10(1), 1-22.
- 45) Tesón, Fernando. R. 1988. *Humanitarian Intervention: An Inquiry into Law and Morality*. New York: Transnational Publishers.
- 46) Tierney, Dominic. 2022. "Global Order after Ukraine." *The National Interest* (182), 5-12.