

Promoting justice: between commitments and effectiveness¹

Abstract: This article examines Rafanelli's definition of "reform intervention" to assess its adequacy in identifying interventions relevant to fulfilling the duty to promote justice.

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Once upon a time, international intervention occupied the front pages of policy agendas and newspapers. Especially during the 1990s and in the period following the emergence and formalization of the Responsibility to Protect, the debate on the legitimacy of international interventions – whether aimed at protecting civilians, ending civil conflicts, containing or dismantling unjust governments – seemed urgent and concrete. Now, interventions appear to be in decline, replaced by other concerning international dynamics. And yet, with her book *Promoting Justice across Borders. The Ethics of Reform Intervention*, Lucia Rafanelli convincingly shows that the current international landscape, where nonstate actors play a prominent role alongside states, does invite to take a new look at the issue of intervention. Her book proposes criteria to compare a wide array of intervention strategies, thus providing much-needed guidelines for navigating and assessing the broad range of available options. Rafanelli's project is certainly interesting and valuable. Nonetheless, the way she defines her object of inquiry – namely, "reform intervention" – seems at once too inclusive and too restrictive.

Intervention and the duty of justice

Rafanelli defines "reform intervention" as "any deliberate attempt to promote justice in a foreign society" (Rafanelli 2021, p. 11). This, as she specifies, is an "expansive" definition, encompassing both actions that "existing scholarship typically characterizes as «interventions» – states using coercion or force to interfere in foreign societies' domestic politics" and "actions taken by nonstate actors and that involve the use of means besides coercion and force" (Rafanelli 2021, p. 11). Her approach is indeed grounded in an enlarged understanding of "intervention".

There is no unanimously accepted definition of "intervention". However, as also Rafanelli suggests, there seems to be broad consensus that intervention implies some form of coercive interference with the domestic affairs of the targeted society (Vincent 1974, MacMillan 2013) or some kind of violation of ordinarily recognised norms, conventions or constraints (Rosenau 1968, Reus-Smit 2013), such as those protecting sovereignty. In contrast, Rafanelli's notion of "reform intervention" applies also to actions lacking similar features, such as Tostan's programs, which consist of a series of human-rights focused classes and which enjoy full consensus from recipient societies. As Rafanelli notes, Tostan's "representatives enter a community (after being invited)" (Rafanelli 2021, p. 35) and the proposed curriculum is "collaboratively designed – having been revised early on in response to participants' feedback" (Rafanelli 2021, p. 36). Similar actions do not exhibit the transgressive or coercively interfering character typically associated with "intervention" and, by enlarging this category to include cases like Tostan's, Rafanelli rebrands the notion and strips it of its red-flagging effects. Placing Tostan's programs in the same category as, say, diplomatic sanctions, economic embargoes and military actions implies that they should all be assessed according to the same criteria. No objection to apply a uniform evaluative framework, but it seems normatively unchallenging and unurgent to justify Tostan's actions, precisely because they lack the contentious features of proper interventions.

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Nonetheless, Rafanelli's broadened understanding has a clear rationale. This conceptual move is functional to rebut the "standard objections" that reform intervention express intolerance, disregard institutional legitimacy, or undermine self-determination. It also clears the path to vindicate the meaningfulness of a natural duty of justice with global scope. Following Rawls's account, according to which the duty of justice "requires us to support and to comply with just institutions" and to "further just arrangements not yet established" (Rawls 1971, p. 115), Rafanelli convincingly interprets it as the duty to "do our part to ensure others live in just conditions", which is owed to "all other persons, regardless of national membership" (Rafanelli 2021, p. 26). Contrary to the skeptical view, which insists that "attempting to promote justice in other societies, as a rule, involves committing serious moral wrongs" (Rafanelli 2021, p. 243), Rafanelli shows – based on her broader account – that there are morally permissible reform interventions, namely, interventions that escape the standard objections by proving tolerant and by respecting recipient societies' legitimate institutions as well as their right to self-determination. This paves the way not only for endorsing the global duty of justice, but also for acting on it.

Commitments and outcomes

While Rafanelli broadens the general category of intervention, her subset of reform interventions is quite restrictive. The qualification "reform" does not exclude "radical – even revolutionary – actions", but it limits the focus to interventions that "seek to promote justice", identified based on how they are "publicly presented" (Rafanelli 2021, p. 13). More precisely, Rafanelli treats "any intervention presented as an attempt to promote justice as a reform intervention" (Rafanelli 2021, p. 13). This emphasis on their declared purpose, rather than on their actual or expected outcomes, raises some concerns about the possibility of properly identifying interventions that are suitable for fulfilling the duty of justice.

Consider two organizations running nearly identical programs, which – like Tostan's – consist of human-rights-oriented classes, collaboratively designed with the members of the recipient societies and delivered only upon invitation. Let's assume that both programs are morally permissible and have proved equally successful in promoting justice. Of the two organizations, one presents its program as committed to justice promotion, while the other publicly frames its own as aimed at allowing its members – a group of friends – to earn a living while enjoying working together. Both organizations seek funding, and you want to do your part in promoting justice, as required by the duty of justice, but you are able to support only one of them. Can you flip a coin to decide which one? If all that matters for the duty of justice is supporting actions that are effective in promoting justice, flipping a coin should suffice. In this light, how interventions are publicly presented appears irrelevant, and Rafanelli's focus should be expanded to encompass all actions that are conducive to improvements in justice. Nonetheless, the very plausibility of the scenario can be questioned.

First, one might claim that the group of friends has no reason to frame their program as self-interested, when marketing it as committed to justice promotion would likely attract more funding. Yet, they may have simply decided to be candid about their motivations. Moreover, this first objection suggests that declared commitments to justice promotion can be strategic, which further weakens the case for selecting interventions based on how they are presented. Second, one might maintain that the friends' self-interested goals could be pursued without establishing such a complex and demanding program. Nonetheless, this objection loses force if you suppose that they happen to possess – perhaps due to university studies, prior jobs, etc. – the right skills to organize and effectively run such a program, and that they have come to appreciate this kind of work and its justice-promoting (side) effects. Third, it might seem implausible that programs presented as self-interested can be as effective in promoting justice as those explicitly framed around commitments to this specific goal. One might argue that interveners who publicly commit to justice promotion tend to be held accountable to more stringent standards than those applied to explicitly self-interested enterprises, this encouraging greater dedication to effectively promoting justice. However, the objection is non-conclusive. Plausibly, no one cares about whether the mentioned group of friends achieve their self-interested goals, and hence, their success in attracting funds entirely depends on running credible

programs that are effective in promoting justice. Hence, both organizations have equally strong incentives for dedicating efforts to effectively promoting justice.

Even if the scenario is plausible, one may still resist the idea that flipping a coin to decide the beneficiary of your donation is the proper way to fulfil the duty of justice. Although equally effective, the two organizations differ in a way that may be normatively relevant – and probably is, from Rafanelli's perspective. In a recent article for a symposium on her book, she writes: "an action's context (including its purpose and function) is part of what makes that action what it is" (Rafanelli 2024, p. 2). She clarifies: "a shop owner who expels a customer for being disruptive and one who expels a customer because of their race «do the same thing» (refuse service to a customer), but they do not take the same action" (Rafanelli 2024, pp. 2-3). Consistently, Rafanelli claims that "not only does an action's context help make the action what it is, but it may also make a difference in our moral assessment of the action" (Rafanelli 2024, p. 3). Thus, even if what you do is exactly the same – donate some money – two different actions are at stake, and they might require different moral assessment. More precisely, you either involve yourself in fundraising for a self-promoting organization, thereby partaking in the success of its self-interested goals, or you contribute to an initiative animated solely by a declared commitment to justice promotion. If only the latter properly fulfils the duty of justice, then this duty demands promoting justice not simply by avoiding moral wrongs, but by performing or supporting only justice-oriented actions. Rafanelli's restricted focus on actions publicly committed to justice promotion would then make perfect sense. However, this stricter version of the duty of justice should be explicitly defended, especially against cases where effectiveness does not correlate with appropriate declared commitments.

Suppose the two organizations have both set a minimum fundraising threshold, and the deadline for donating is imminent. The justice-committed organization is far from reaching its target, while the self-promoting group is just one donation away. Donating to the latter would ensure that at least one effective justice promoting program survives, but the stricter version of the duty of justice would lead to reject this option. Donating to the former would result in both programs failing, leading to a net loss in justice promotion. If promoting justice is the core concern, then the interventions worth discussing and normatively assessing are those likely to bring about improvements in justice, regardless of whether they are presented as committed to that goal. On the contrary, starting the other way around, and selecting the relevant interventions based on whether they are presented as committed to justice promotion, runs the risk of excluding relevant options for fulfilling the duty of justice.

References

- MacMillan, J. (2013), "Intervention and the ordering of the modern world", *Review of International Studies*, 39(5): 1039-1056.
- Rafanelli, L. M. (2021), *Promoting Justice across Borders. The Ethics of Reform Intervention*, Oxford University Press.
- Rafanelli, L. M. (2024), "Moral judgment, self-determination, and toleration: Reflecting on reform intervention at the outer limits", *European Journal of Political Theory*, doi: [10.1177/14748851241282856](https://doi.org/10.1177/14748851241282856)
- Rawls, J. (1971), *A Theory of Justice*, Harvard University Press.
- Reus-Smit, C. (2013), "The concept of intervention", *Review of International Studies*, 39(5): 1057-1076.
- Rosenau, J. N. (1968), "The concept of intervention", *Journal of International Affairs*, 22(2): 165-176.
- Vincent, R. J. (1974), *Nonintervention and International Order*, Princeton University Press.