

Chapter 11

Moral Triage

One of the main elements of soft power is the expression of moral condemnation or approval. Although a realist may argue that nations act to promote their self-interest and are moved by factors such as the size of another nation's military, economy, or other such "real" factors, nations in effect *do* respond to the moral voices of other states, non-state entities, and the "international community." Thus, even totalitarian and authoritarian states do not simply ignore criticisms of their human rights records, but rather seek to justify their actions by arguing that socioeconomic rights are more important than legal or civil ones. Alternately, they argue that their human rights records are better than outside observers claim, or that they will attend to legal or civil rights once they have achieved a higher level of economic development. Nor do these same states hesitate to criticize liberal democracies; for example, Russia's President Vladimir Putin chastised the United States for its human rights record (Grove 2012).

Nations are inclined to raise their moral voices, even if the impact on other nations is limited, because many local and transnational groups expect it. It serves the domestic politics of those in power. As a result, nations and non-state actors raise their moral voices readily and quite often. However, such overexposure undermines the moral voice and squanders the moral capital states have; nations and the world would be much better served if they raised their moral voices much more sparingly—and in particular if they focused on those situations in which they can do most good. In short, *moral triage* is called for (Etzioni 2007).

The term triage is usually used in the context of emergency medicine to describe standard operating procedure when a medical team is faced with a number of injured people that far outstrips the team's resources. Simple triage calls for sorting the injured into three categories: those who will likely die regardless of immediate treatment; those whose injuries seem comparatively light; and those whose injuries are severe but are likely to survive and recover if treated rapidly. This last group gets first attention. (The ratio of those treated to those neglected depends on the resources available and the number of people who would greatly benefit from immediate intervention.)

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The same should hold for moral triage. At any given point, a state could readily chastise scores of other nations for one reason or another—or, more often, for several reasons. However, if a nation issues scores of condemnations, they quickly lose their effect. This is particularly true if states or non-state actors that ignore moral condemnations do not face concrete consequences for their continued abuses.

Because moral triage is a new concept, it is not possible to point to an agent that has applied this approach in the past. Nor do there seem to be states or other actors that have applied policies that generally correspond to its basic tenets. Instead, there follows three cases in which a moral voice was applied, with good effect, to situations that seem to fit the triage criteria. This is followed by a study of a scattergram approach. I cannot stress enough that in each case factors other than the moral voice were at play, but nevertheless it seemed to have played a role in the first three cases, and hardly in the others.

11.1 Out of the Boats

The United Nations has called the Rohingya “the most persecuted minority in the world” and at risk of genocide (Ibrahim 2015). To flee this violence and persecution, as many as 20,000 Rohingya, or one in ten (Holmes 2015), have fled Myanmar in small boats and are now living on the waters of the Andaman Sea (Maule 2015; Stoakes and Kelly 2015). In May 2015, Indonesia stated that it would deny Rohingya people the ability to land on its territory (Al Jazeera 2015), as did Thailand (Wescott 2015). In response, the international community urged other countries in Myanmar’s immediate vicinity to accept the Rohingya people as refugees (Reuters 2015). The United Nations’ human rights chief said he was “appalled” at the news that Thailand, Indonesia, and Malaysia had refused to allow Rohingya refugees to land their boats (Maule 2015), and non-governmental organizations such as the Arakan Project also expressed grave concern (Al Jazeera 2015). A spokesperson for the United States Department of State called the situation an “emergency” and “urged” regional states to offer the Rohingya shelter (Reuters 2015). The United States offered to settle about 1000 Rohingya refugees. Gambia offered to shelter all of the Rohingya boat people, saying, “As human beings, more so fellow Muslims, it is a sacred duty to help alleviate the untold hardships and sufferings these fellow human beings are confronted with” (Tiffin 2015). Pope Francis also chided Southeast Asia for its inaction (Harris 2015).

In specific response to this international outcry, Indonesia and Malaysia extended assistance and temporary shelter to 7000 of the nationless refugees (Scott 2015), with Malaysia also offering its navy and coast guard for rescue operations (Deutsche Welle 2015a). Thailand announced that it would stop preventing boats carrying Rohingya refugees from landing on its shores (Wescott 2015), and Bangladesh, Australia, and the Philippines also offered to temporarily settle some of the remaining refugees (Deutsche Welle 2015b). This especially represented “a shift in policy” for Malaysia and Indonesia (Guardian 2015). The United Nations then praised these efforts as “an important first step in the search for solutions” (Wescott 2015).

11.2 Exodus for a Chinese Activist

The international community's moral voice was critical to the outcome of the diplomatic crisis precipitated by reproductive rights activist Chen Guangcheng's flight from house arrest to the United States embassy in Beijing in April 2012 (Branigan and MacAskill 2012; Sagalyn 2012; Jacobs and Ansfield 2012; Lee 2012). Chen is known for fighting against forced sterilization and forced abortion in China. There was considerable concern that China would prevent Chen from leaving, keeping him in effect locked in the American embassy.

The international community quickly responded by urging China to permit Chen to leave or allow Chen and his family to obtain the passports they would need to legally leave the country (Liu 2012). And in the wake of allegations that the United States had "abandoned" Chen, human rights activists, nongovernmental organizations, and politicians such as US Representative Ileana Ros-Lehtinen (R-FL) vocally called on the United States to assist Chen to the greatest extent possible (Myers and Jacobs 2012).

In response, in early May 2012, the United States pressured China to clear Chen to travel abroad to study at American University (Branigan and MacAskill 2012). By May 19, New York University had offered Chen a special student position at its law school, and Chen had been allowed to leave China for the United States (Fujita et al. 2012).

11.3 Squandering the Moral Voice

Considerable debate has centered on whether the United States should or does act as the world's policeman. The US sees itself as the guarantor of major international norms; for example, it assertively enforces the freedom of maritime navigation. However, the US often overextends itself and applies its moral voice without consideration for its likely effectiveness. In many cases, the United States behaves much like a grouchy, retired uncle who sits at the edge of a playground and snipes at the children playing there by telling them to run less, clean up their language, play nice, and so on, all while being roundly ignored.

A critic on a previous draft posited that "the primary problem here [is] not the moral censure—assuming that the uncle's complaints are in fact legitimate—but that there is no force backing up the words" and that "ignoring the children[...] is not the same thing as saying nothing about ISIS beheading someone." It is important to note in response that the scope of this chapter is limited to moral censure; it does not encompass an analysis of any other action or the lack thereof. Furthermore, the purpose of this chapter is to highlight why moral censure should be used sparingly. Indeed, the US and the international community should condemn brutal acts by ISIS. However, if it will issue similar condemnations on a frequent basis on other acts of terrorism—all of which are deserving of such comments—there will be a declining marginal utility of the effect of such condemnations.

Burundi President Pierre Nkurunziza's April 2015 announcement that he would seek reelection sparked a failed coup, months of protests, and government brutality against protesters (Smith 2015). The United States called on the Burundian govern-

ment to “condemn and stop the use of violence by the police and the ruling party’s Imbonerakure youth militias” and demanded that all who used violence to intimidate protesters “be held accountable” (Rathke 2015). It also issued a statement urging all parties to the fighting to “commit themselves to a constructive dialogue” and condemning any attempts to gain power through violence or other extraconstitutional mechanisms (Kirby 2015). The American ambassador-at-large for war crimes issues additionally condemned reports that peaceful protesters were being shot by members of the ruling party’s youth militia, saying, “We are sending [the] strongest message we can that those that commit them [acts of violence]—in particular, those that incite them, order them, arm and deploy the forces that are committing these crimes—will be held to account” (Rwema 2015). All to no effect.

At this point one may ask: “Is the brutality to be simply ignored? Is there no kind of moral censure that falls short of making demands?” To use a musical analogy, moral outrage can be expressed in different registers. In particular, the higher registers (i.e. more severe) should be used sparingly.

Shortly thereafter, the United States issued one more criticism on the development in Sudan, which was barely noted. It was followed by an expression of moral outrage by the US about the acts of Boko Haram. Before and after, there were several critical statements by various American authorities about human rights abuses in Russia, China, and elsewhere in the world. Most to little effect.

A comment on a previous draft pondered “a situation where we don’t publically condemn an action because it won’t directly cause behavioral change (like China building artificial islands with military installations), but then we must react militarily because that actor did cross a red line. How could they ever know we might react militarily (or with economic sanctions) if we said nothing?” This concern is not directly related to the concept of moral outrage. A distinction can be made between moral censure and the drawing of a red line, which comes into play especially when the national interest is at stake. Limiting moral censure would not limit, for example, the United States’ ability to make its interests known, or its intended method of recourse should those interests be compromised. In other words, public condemnations are not the only way for other nations to enforce red lines.

One may ask: “Isn’t there something less than [the issuing of red-lines we do not mean to enforce]—a public condemnation that doesn’t carry demands but still makes a moral proclamation and, if so, isn’t that kind of thing valuable? Wasn’t there power in Reagan’s declaration of the Soviet Union as an ‘evil empire’?” In response I note that I am not arguing that moral outrage has no effect but that it needs to be sharply focused. President Reagan used the term in reference to one country. (Vice President Cheney referred to three nations as parts of the axis of evil.) If instead that characterization would be made of all the countries that violate human rights—several scores—the label is likely to lose much of its effect.

The use of highly evocative terms, such as evil, raises another issue, which is beyond the scope of this chapter but deserves brief discussion. One does not deal or negotiate with evil; one seeks to vanquish it. Hence, once the leaders of one nation characterize another nation as evil, and that nation is not subject to regime change or major reforms, it is difficult to work with it, yet doing so is often unavoidable. Thus Reagan sat down with Gorbachev and made a very important arms deal long before Russia was truly reformed (it still is not), and John Kerry arranged the removal of a

major pile of chemical weapons from a war zone, in which they were employed, by negotiating with an 'evil' nation. I suggest that it would be morally more appropriate and politically savvy to follow the line of hating the sin but loving the sinner, of criticizing policies but not nations, and of assuming that all are redeemable.

What would a triage-based approach look like? A state such as the United States should say little about the moral conduct of states and non-state actors, such as North Korea or ISIS, that are extremely unlikely to be affected by its censure or its approbation. It should also refrain from chastising the occasional missteps of states that by and large maintain a high standard of human rights. Instead, it should focus its moral voice on those nations it is most likely to affect and whose moral violations are serious, and choose areas in which the voice might carry. For instance, China is much more likely to take into account criticism of its treatment of the environment than of limitations in free speech.

The United States took such an approach toward Germany and other members of the Eurozone over the Greek debt crisis. In February 2015, President Obama called for reasonable leniency, saying, "You cannot keep on squeezing countries that are in the midst of depression" (Ackerman 2015). Meanwhile, other American officials called for compromise from both Greece and the other members of the Eurozone (Marans 2015). In July 2015, the White House reiterated its position that Germany must compromise with Greece in order to salvage the latter's position in the Eurozone and offer opportunities for Greek economic growth (Marans 2015). On July 17, the German parliament voted in favor of a proposal to negotiate a bailout with Greece (BBC News 2015; Ellyatt 2015). The United States asserted its position, but has refrained from issuing moral condemnations against any of the parties involved; instead, it has preferred to comment only when necessary and in more utilitarian terms.

This does not mean that nations assigned a low priority should be ignored. The United States might well continue to issue annual reports on human rights conditions in each country, as the Department of State does. However, most of the United States' effort should focus on the visible, active, and high-powered application of its moral voice to the latter category. Most importantly, when nations ignore the United States' moral voice, they should anticipate that the United States will subject them to additional measures beyond mere declarations by White House or State Department spokespeople.

To mix the metaphors: the moral voice has a currency. If it is raised too often, against targets that are unyielding or engaged in minor violations of what is considered proper conduct, it will be largely squandered. If it is applied selectively, in places of significant concern and where it might have an effect, it will be more effective when it is raised.

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