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Does Kant Justify Liberal Intervention?

James Lindley Wilson **and** *Jonathan Monten*

The recent US occupations of Iraq and Afghanistan have renewed the debate over whether military interventions intended to impose democracy in a foreign state are consistent with liberal principles. The liberal political tradition within the United States has often been divided over this question.[1] At issue is what place, if any, military force should have in a foreign policy dedicated to promoting goals such as the spread of electoral democracy, respect for human rights, and the rule of law.

In a recent article, Michael Desch staked out a clear position in this debate.[2] In the course of arguing that recent instances of illiberalism in American foreign policy—such as a doctrine justifying preventive war, the use of coercive interrogation practices, and forcible regime change—grow out of America's liberal tradition, Desch argues that Immanuel Kant's political philosophy provides justification for military interventions that aim to replace undemocratic regimes abroad with more democratic successors. According to Desch, Kant's essay *Perpetual Peace* and other works "accorded to republican states the right to end the international state of war by forcing other states to embrace republicanism" (13). Desch concludes that a renewed commitment to realism in American foreign policy is necessary as a check on "post-Kantian Liberalism's paradoxical tendency toward illiberal excess" (43).

In this exchange we make two arguments in response to these claims. First, we argue that a more careful reading of Kant's work shows that he would see most instances of such regime-changing interventions as unjustified. On a Kantian view, such wars are simply illiberal, and do not deserve the "liberal" label. Second, we argue that Kant's view of intervention, when properly considered, is consistent with Desch's proposed realist remedy. If Desch is concerned about the potential for "imprudent vehemence" in the United States's relations with illiberal regimes, then the problem is not the influence

[1]See, for example, H. W. Brands, *What America Owes the World: The Struggle for the Soul of Foreign Policy* (Cambridge: Cambridge University Press, 1998); Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century* (Princeton: Princeton University Press, 1994); Colin Dueck, *Reluctant Crusaders: Power, Culture, and Change in American Grand Strategy* (Princeton: Princeton University Press, 2006).

[2]Michael Desch, "America's Liberal Illiberalism," *International Security* 32, no. 3 (2007/08): 7–43. Citations to this work are given parenthetically in the text.

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of "Kantian roots" in American foreign policy, but that these roots have not grown deep enough.

Kant and Regime Change

In contemporary international relations theory, Kant is well known for the idea that democratic states are less war-prone that nondemocratic states, a claim that has become the foundation for the "democratic peace" research program.[3] A parallel debate concerns Kant's views of the rights and moral obligations of governments in an international state of nature.[4] Kant's claim that states "can and ought to" demand that others leave the state of nature and join a peaceful federation resembling a civil condition creates potential ambiguity over what actions are morally permissible toward states that remain outside this zone of peace. A related question arises about how, according to Kant, republican states ought to treat nonrepublican states prior to the establishment of a global civil condition. In approaching these questions, contemporary authors such as Michael Doyle have picked up on what they see as the tension in Kant's thought—and in liberalism more broadly—between respect for the rights of the individual and respect for the right of states to be free from external interference.[5] As a result, according to Doyle, liberalism is "congenitally confused in analyzing and in prescribing for situations of intervention. … Respecting a nonliberal state's state rights to noninterference requires ignoring the violations of rights they inflict on their

[3]See, for example, Michael Doyle, "Liberalism and World Politics," *American Political Science Review* 80, no. 4 (1986): 1151–69; Michael E. Brown, Sean M. Lynn-Jones, and Steven E. Miller, *Debating the Democratic Peace* (Cambridge, MA: MIT Press, 1996); Charles Lipson, *Reliable Partners: How Democracies Have Made a Separate Peace* (Princeton: Princeton University Press, 2003); and Sebastian Rosato, "The Flawed Logic of Democratic Peace Theory," *American Political Science Review* 97, no. 4 (2003): 585–602.

[4]Thomas L. Pangle and Peter J. Ahrensdorf, *Justice Among Nations: On the Moral Basis of Power and Peace* (Lawrence: University Press of Kansas, 1999); Michael W. Doyle, *Ways of War and Peace: Realism, Liberalism, and Socialism* (New York: Norton, 1997); Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs" *Philosophy & Public Affairs* 12, no. 3 (1983): 205–35; Kenneth N. Waltz, "Kant, Liberalism, and War," *American Political Science Review* 56, no. 2 (1962): 331–40; Thomas C. Walker, "Two Faces of Liberalism: Kant, Paine, and the Question of Intervention," *International Studies Quarterly* 52, no. 3 (2008): 449–68.

[5]Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part 2," *Philosophy & Public Affairs* 12, no. 4 (1983): 323–53; Michael W. Doyle, "A Few Words on Mill, Walzer, and Nonintervention," *Ethics & International Affairs* 23, no. 4 (2009): 349–69. See also Georg Cavallar, "Kantian Perspectives on Democratic Peace: Alternatives to Doyle," *Review of International Studies* 27, no. 2 (2001): 229–48; and Burleigh T. Wilkins, "Kant on International Relations," *Journal of Ethics* 11, no. 2 (2007): 147–59.

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own populations. Addressing the rights of individuals in the Third World requires ignoring the rights of states to be free of foreign intervention."[6]

This supposed confusion manifests itself most dramatically in cases of humanitarian military intervention—military action within a state's borders by outsiders who aim to prevent widespread harms to members of the state's population, such as genocide, mass human rights violations, or starvation. A number of writers have recently turned their attention to whether Kant's views could support such interventions.[7] Similar but separate questions arise about what we will call "regime-changing intervention": military action within a state's borders by outsiders aimed not at preventing immediate humanitarian harms, but rather at replacing the state's political regime with one the interveners find more palatable. The core normative question is whether liberals should support regime-changing interventions aimed at replacing illiberal regimes with liberal democracies. One relevant interpretive question is whether Kant's expressed views commit him to a view about the permissibility of such interventions.[8]

In connecting these debates within liberalism to contemporary US foreign policy, Desch advances the view that such regime-changing interventions are indeed consistent with Kantian liberalism. Desch begins his discussion of US liberalism with the claim that, among classical liberal philosophers, Immanuel Kant "has had the greatest influence on US foreign policy, primarily through the theory of the 'democratic peace'" (11). Because nonrepublican states are more war-prone, Kant "accorded to republican states the right to end the international state of war by forcing other states to embrace republicanism" (13). According to Desch's interpretation of *Perpetual Peace* and other writings, Kant therefore "countenances illiberal means such as coercive regime change through outside intervention and global hegemony to

[6]Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part 2," 330.

[7]Some important works in this vein include Alyssa R. Bernstein, "Kant on Rights and Coercion in International Law: Implications for Humanitarian Intervention," *Jahrbuch für Recht und Ethik* 16 (2008): 57–100; Georg Cavallar, *Kant and the Theory and Practice of International Right* (Cardiff: University of Wales Press, 1999); Jürgen Habermas, "Kant's Perpetual Peace: At Two Hundred Years' Historical Remove," in *The Inclusion of the Other* (Cambridge, MA: MIT Press, 1998), 165–201; and Fernando R. Tesón, "The Kantian Theory of International Law," *Columbia Law Review* 92, no. 1 (1992): 53–102.

[8]Kant's views on regime-changing intervention have not received much attention. For some relevant works, see Susan Meld Shell, "Kant on Just War and 'Unjust Enemies': Reflections on a 'Pleonasm,'" *Kantian Review* 10 (2005): 82–111; Georg Cavallar, "Commentary on Susan Meld Shell's 'Kant on Just War and "Unjust Enemies": Reflections on a "Pleonasm,"'" *Kantian Review* 11 (2006): 117–24; and John MacMillan, "A Kantian Protest Against the Peculiar Discourse of Inter-Liberal State Peace," *Millennium: Journal of International Studies* 24, no. 3 (1995): 549–62. Much of Bernstein's excellent article, cited in the previous note, is also helpful in interpreting the pertinent Kantian texts.

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actualize [the] Liberal dream of perpetual peace" (13). Desch acknowledges that the view that Kant would support democratic intervention seems squarely to contradict Kant's most explicit statement on the issue, his "Fifth Preliminary Article for Perpetual Peace," the command that "no nation shall forcibly interfere with the constitution and government of another," but argues that, according to Kant, states that do not embrace republicanism fall under the category of "unjust enemies" and are not protected by this prohibition (13–14).[9] Further, Desch argues that when placed in the hands of a powerful state such as the United States, this view of liberalism's obligations first described by Kant can contribute to an excessive and overreaching foreign policy (14).

Does Kant's system justify or require liberal intervention for the purposes of regime change? A fuller examination of Kant's writing suggests that this interpretation is most likely incorrect. The view that there is a Kantian imperative to forcibly democratize other sovereign governments ignores the fact that Kant assigns great importance to the presence of a "civil condition" in a state even if it lacks a republican constitution. Loosely, Kant defines a civil condition as the presence of stable rule of law enforced by a state with a monopoly on coercion.[10] Kant regards the move beyond a Hobbesian state of nature in domestic politics as a substantial moral achievement. Whatever the empirical conditions of a state of nature—however well-intentioned the individuals in it, for example—Kant believes that such a state is intrinsically incompatible with persons' "innate right" to freedom, and with the acquisition of further rights (such as rights of property and contract), which Kant sees as a necessary aspect of the right to freedom (MM 30, 6:237–38; MM 40–41, 6:246; MM 89–90, 6:312). Absent a civil condition, claims to rights have an inescapably and objectionably "unilateral" character, in that they attempt to impose obligations on others (obligations to respect the claimed rights) without the reciprocity of obligation that Kant believes only a legal system can establish (MM 48, 6:259). Moreover, there is an inevitable indeterminacy to individuals' legitimate rights claims (for example, just where should the property line be?), and individuals also face familiar Hobbesian problems of assurance. Kant believes these problems, taken together, make the establishment of rights (and thus external freedom)

[9]Immanuel Kant, *Perpetual Peace: A Philosophical Sketch*, in *Perpetual Peace and Other Essays*, ed. Humphrey (Indianapolis: Hackett, 1983), 115 (Ak. 8:354). Henceforth citations from this essay will be noted parenthetically in the text as PP, followed by the Hackett page number and the volume and page number in the Akademie edition.

[10]Immanuel Kant, *The Metaphysics of Morals*, ed. Mary Gregor (Cambridge: Cambridge University Press, 1996), 89, 90–91 (Ak. 6:311, 6:313). Henceforth citations from this work will be noted parenthetically in the text as MM, followed by the Cambridge page number and the Akademie volume and page number.

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impossible in the state of nature.[11] So a civil condition—a basic system of positive law—takes on critical moral importance for Kant, as it is necessary for the respect for rights demanded by practical reason.

Kant does believe that a republican constitution is the ideal, morally required, form of civil condition (MM 112, 6:340–41). But he grants moral significance even to states that fall far short of the republican ideal. That is because even these "despotic" states, in his view, solve the problems of unilateralism, indeterminacy, and assurance that plague the state of nature, and thereby secure rights in a minimal, but very important, sense. Accordingly, even despotic states can claim legitimate authority over others: their citizens must obey the laws, and foreign powers may not forcibly intervene in the state's domestic affairs. (We will discuss both of these authoritative demands for recognition shortly.) Generally speaking, no one may jeopardize a civil condition, however imperfect, by attempting to violently establish a more perfect constitution—whether by revolution or by intervention.

This requirement to respect despotic states (in the sense of refraining from violently changing their constitution) does not mean that Kant believes that absolutely any entity that wields political authority is entitled to such respect. Power must be used to establish something plausibly constituting a civil condition for the entitlements to respect to apply. In one of his latest works, *Anthropology from a Pragmatic Point of View*, Kant distinguishes "despotism," a condition of "law and authority, without freedom," from "barbarism," a condition of "authority, without freedom and law."[12] Arguably, "barbaric" authorities—ones whose rule is so arbitrary or heinous as to fail to be minimally lawlike—cannot justifiably demand citizen obedience or outside nonintervention. Kant does not dwell on the distinction between barbarism and despotism: drawing the conceptual line between the two, and applying the concepts to individual cases, may therefore prove difficult. But there is no question that the distinction leaves significant space in theory and in practice for nonrepublican, despotic but nonbarbaric states that successfully maintain a civil condition despite the injustice of their constitution. These states, we argue, are, according to Kant, entitled to

[11]For helpful discussion of these "defects" in the state of nature, see Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2009), 145–81; Kyla Ebels-Duggan, "Moral Community: Escaping the Ethical State of Nature," *Philosophers' Imprint* 9, no. 8 (2009); and Katrin Flikschuh, "Reason, Right, and Revolution: Kant and Locke," *Philosophy & Public Affairs* 36, no. 4 (2008): 382–92.

[12]Immanuel Kant, *Anthropology from a Pragmatic Point of View*, trans. Victor Lyle Dowdell (Carbondale: Southern Illinois University Press, 1978), 248 (Ak. 7:330–31). For discussion of this passage, see Ripstein, *Force and Freedom*, 338–43; and Bernstein, "Kant on Rights and Coercion in International Law," 69–71.

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nonintervention so long as they observe proper behavior internationally. Kant's theory prohibits regime-changing intervention against such states.[13]

Kant explicitly makes the connection between the demand to respect an established civil condition and the requirement of nonintervention. By damaging or undermining a domestic legal order, Kant argues that foreign intervention would "violate the rights of an independent people" and constitutes "an obvious offense and would render the autonomy of every nation insecure" (PP 109, 8:346). In Kantian terms, a maxim that would license such intervention, if universally adopted, would severely destabilize the international order, promoting mutual insecurity and undermining the peaceful, lawlike resolution of disputes that would characterize a global civil condition. Thus Kant insists that the nonintervention rule in Article 5 is, unlike some of the other "preliminary articles," a "strict" rule that "holds regardless of the circumstances," and that "demands *immediate* implementation" (PP 110, 8:347). Kant never explicitly carves out an exception to the nonintervention rule; on its face, it applies equally to both republican and nonrepublican states, so long as they are capable of enforcing domestic order.

Kant does argue that an international perpetual peace depends on all states developing republican constitutions (PP 112, 8:349), and that all states thus have a duty to become republican (PP 112, 8:349; see also MM 112, 6:340). Contrary to what Desch suggests, however (13–14), the duty of a state to become republican does not imply a right of other states forcibly to establish or compel a republican regime in that state. While Kant does describe an obligation to become republican, we have found no passage where he speaks of a "right" to a republican government (or a right to have other states be republican), which in Kant's terms would mean a coercively enforceable entitlement to such a government (MM 25–26, 6:231–32).[14] One of the most consistently repeated propositions in Kant's political philosophy is that the duty of despotic states to become republican is compatible with a strict prohibition on the violent (i.e., revolutionary) establishment of republican reforms by

[13]Since we focus on the rights of nonbarbaric states, we use "nonrepublican" to refer to despotic, nonbarbaric states. Our use of the term should not be understood to refer to barbaric entities, which, while certainly nonrepublican, are arguably not states in Kant's sense.

[14]Of course, we might say that Kant believes states and individuals have a moral right that all governments be republican, in the sense that they may legitimately criticize nonrepublican governments, and that perhaps they are wronged if governments do not implement republican reforms. But this is not what Kant would call a "right"—a term he reserves for entitlements that it is permissible to enforce by coercion. In any case, whatever we call the entitlement, the distinction between an entitlement that one may permissibly enforce through coercion and an entitlement that one may not so enforce is clear enough.

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citizens of such states (see, e.g., PP 128–29, 8:372; PP 136, 8:382; MM 94–98, 6:317–22; MM 112, 6:340; MM 124, 6:355).[15] To argue that Kant supports regime-changing interventions, then, would be to suggest the odd conclusion that, according to Kant, foreign states have more right to coercively reform a despotic regime than have the regime's own subjects. The more likely interpretation is that, both domestically and internationally, Kant relies on existing governments to implement republican reforms, but rejects violent regime change from within or without. Kant's suggestion that despotic governments can "approximate" republicanism (e.g., PP 114, 8:352–53; MM 112, 6:340–41) further underscores his reformism in two respects: first, it implies that the change to republicanism may, and perhaps ought to, occur gradually, rather than through coercive means; and, second, it implies that there is no sharp distinction between despotic and republican government upon which one might build a military (or revolutionary) policy. Instead, there is a continuum of less just and more just states, all entitled to nonintervention.[16]

Kant's support for a nonintervention right for despotic states emerges more clearly once we recognize that he almost certainly believed that nonrepublican states could be members in good standing of his proposed "federation of free states" (PP 115, 8:354).[17] It is often believed that Kant thought the federation would only admit republican states. Perhaps this is because in the ideal case—in which perpetual peace is achieved, or at least asymptotically approached (MM 119, 6:350; MM 124, 6:355)—all states, and thus all federation members, would be republican. Perhaps also Kant's proposal that "the right of nations shall be based on a federation of free states" (PP 115, 8:354) appears to establish a requirement that member states be republican, and in that sense internally free. But Kant importantly envisions his federation as part of a process for producing peace; the fact that this process's end state involves universal republicanism should not lead us to think that the federation is closed to despotic states so long as they exist.[18] Moreover, the epithet

[15]For helpful discussions of what may seem like a deeply illiberal doctrine to those familiar with Locke and Jefferson, and for further references to works on Kant's controversial views on revolution, see Ripstein, *Force and Freedom*, 325–52; and Flikschuh, "Reason, Right, and Revolution." As we mentioned above, even this strict view probably does not rule out violent resistance against "barbaric" pseudostates.

[16]MacMillan, "A Kantian Protest," 553, 558–59.

[17]In this paragraph we closely follow Cavallar, "Kantian Perspectives on Democratic Peace," 243–47; MacMillan, "A Kantian Protest."

[18]On the federation's role in a historical process of securing peace, see Pauline Kleingeld, "Kant's Theory of Peace," in *The Cambridge Companion to Kant and Modern Philosophy*, ed. Paul Guyer (Cambridge: Cambridge University Press, 2006), 477–504; MacMillan, "A Kantian Protest," 554, 558. As MacMillan points out, Kant seems to believe that domestic republicanism will reliably come about only if a state is part of a global civil condition, meaning that membership in the federation must precede the development of republicanism in at least some states.

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"free" when modifying "states" most likely refers to independence or sovereignty rather than the internal justice of the constitution. Kant never says that "free states" are republican, whereas he does use the term "free states" in a context in which he appears to refer to all independent states, and in which it would be odd to assume he means to refer only to republican states (MM 115, 6:345).[19] Perhaps the most compelling evidence is that, although Kant never explicitly makes republicanism a condition of entry into the federation, the example he approvingly cites of a "permanent congress of states," the early eighteenth-century States General at the Hague, included both republican and despotic states (MM 119–20, 6:350).[20]

Given this evidence that the proposed federation would include nonrepublican states, it is very hard to believe that Kant also thought that republican states had a standing right to invade any nonrepublican state in order to change its constitution. This, after all, would be to sanction war between the members of the supposedly pacific federation itself.[21] Kant, however, repeatedly expresses his unwillingness to countenance the use of force within the peaceful federation to police the internal conditions of the federation's member states—for instance, to "meddle in one another's internal dissensions" (MM 114–15, 6:344), or indeed to keep them in the federation at all (PP 115, 8:354; PP 117, 8:356; PP 117–18, 8:357; PP 137, 8:383; MM 119–20, 6:350–51).[22] This general skepticism of regime change from above once again reflects Kant's view that the establishment of a civil condition, however imperfect or even despotic, is a major moral accomplishment. Violence, even in the name of further constitutional perfection, presents an intolerable

[19]In the parenthetically cited passage, Kant discusses the "original right that free states in a state of nature have to go to war with one another." In defense of the view that "free" means "republican," one might argue that only republican states have any right to go to war. But presumably Kant does not mean to introduce his discussion of the right of war by restricting himself to the (presumably very rare) case of war of republican states "with one another." The more likely interpretation is that he refers to all independent states in the international state of nature's condition of "natural freedom" as free (MM 114, 6:343).

[20]In discussing the example, Kant notes the diversity of regime types involved, referring to participation by the "courts of Europe and even of the smallest republics" (MM 119, 6:350).

[21]One might argue that Kant would only license regime-changing intervention against nonrepublican states that were not members of the federation. We admit that the presence of nonrepublican states within the federation would not rule out such a view, but we believe such a view mistaken for the further reasons we discuss in the text.

[22]This is consistent with Pangle and Ahrensdorf's interpretation that Kant "rules out forceful intervention in nonrepublican regimes" by other republican states within the federation. See Pangle and Ahrensdorf, *Justice Among Nations*, 199–200; see also Kleingeld, "Kant's Theory of Peace"; and Ripstein, *Force and Freedom*, 229–30.

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risk of anarchy and backsliding into a state of nature in which all rights, public and private, are insecure (see, e.g., PP 129n, 8:373n).

Outside the context of a federation, why might one think that nonrepublican states forfeit the right to nonintervention? First, one might worry that, according to Kant's views, there can be no justice in the state of nature, and thus that all actions are equally permissible (or equally impermissible). Kant says, for example, that in the state of nature "no state is wronged by another in this condition" (MM 114, 6:344; see also MM 86, 6:307–8). According to this line of reasoning, regime-changing intervention would be acceptable just to the extent that any other action would be permissible in the state of nature, precisely because justice can only obtain in a civil condition. Desch does not seem to interpret Kant in this way, and we think that such an interpretation would unduly flatten the moral terrain of Kant's state of nature. How to analyze moral judgments in the state of nature is an issue that deserves more sustained treatment than we can give it here, but for present purposes it may suffice to say that Kant's discussions of international right seem entirely dedicated to making distinctions between permissible and impermissible behavior even in the unjust condition of the state of nature. This provides powerful reason to reject the idea that he believed all was equally permitted.

A second, more plausible basis for the view that Kant endorses regime-changing intervention against despotic states, and one Desch does reference (13–14), builds from the idea that one of the core moral obligations of individuals or states in a state of nature is to establish a civil condition. The next step would be to suggest that Kant supports coercive actions to establish such a condition. Kant does occasionally suggest that in a domestic state of nature, individuals may use coercion to force others to join in the establishment of a civil condition (e.g., MM 90, 6:312). But the right to forcibly establish a civil condition in a domestic state of nature does not imply a right to violent regime change in the international state of nature, for two reasons. First, in the *Perpetual Peace* (his most extended treatment of the issue), Kant explicitly rejects any right of states to preventive war—that is, the right to instigate war on the grounds that another state's rising power or preparations of war threaten future danger (PP 137, 8:384; see also PP 130, 8:374–75; PP 138, 8:385).[23] As preventive wars connect much more directly to the self-defensive

[23]In a subsequent, but briefer, discussion, Kant seems to shift his view, and appears to endorse preventive war in some circumstances (MM 116, 6:346). He gives no explanation for his shift, and we find his arguments in *Perpetual Peace* more consistent with his broader commitments. (It may also be worth noting that the example he gives involves prevention against a state that is not merely a threat because of its great power, but that specifically accumulated its power through the "acquisition of territory," which Kant sees as a core international wrong [PP 108, 8:344]. If such wrongs are a prerequisite of legitimate prevention, the license may be quite narrow.) That said, even if we were to concede that the most coherent Kantian position endorsed

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rationale for force in the state of nature, Kant's arguments against preventive war seem to apply *a fortiori* to regime-change wars that justify force on the grounds of a general propensity of nonrepublican states for lawlessness, rather than specific, identifiable preparations for aggressive war.

The second reason an ostensible right to forcibly establish a civil condition in a state of nature does not imply a right to regime change hinges on the lack of a perfect analogy, in Kant's view, between the domestic and international states of nature.[24] Any argument for a right to force someone into a civil condition has much more plausibility in conditions of domestic anarchy—the total absence of a civil condition—than in the international case, where, as we have discussed, at least there is in existing states a certain rule of law secured by domestic constitutions, and so the urgency of establishing a global civil condition is somewhat lessened. Thus Kant rejects the establishment of a world state (the analogue, after all, for the establishment of the domestic state) in large part because states "already have an internal, legal constitution and therefore have outgrown the compulsion to subject themselves to another legal constitution that is subject to someone else's conception of right" (PP 116, 8:355–6). Even if the insecurity of right in total anarchy justifies the coercive establishment of a state, violence is generally not appropriate in the international state of nature, where some approximation of a civil condition already exists within states, and these achievements are too valuable to threaten, even if they are consistent with serious injustice (see, e.g., MM 124, 6:355). Moreover, Kant's scathing anti-imperialism suggests that he is unwilling to countenance international violence in order to forcibly remove conditions of domestic anarchy even among "savages" (MM 53, 6:266; PP 119, 8:358).[25] Kant's anti-imperialism was hardly accidental; as Sankar Muthu has shown, it is an important (and remarkable) outgrowth

preventive war in a state of nature, we do not think this implies support for the more expansive right to regime-changing interventions, as we explain in the text.

[24]B. Sharon Byrd and Joachim Hruschka infer from the right to coercively establish a domestic civil condition a parallel permission for states to coercively establish a global civil condition (Byrd and Hruschka, *Kant's Doctrine of Right: A Commentary* [Cambridge: Cambridge University Press, 2010], 188–96). But Byrd and Hruschka pay very little attention in these passages to aspects of Kant's views that undermine the analogy between domestic and international contexts. We believe that a more careful reading of Kant's political philosophy shows that there is no right to coerce other states to establish a global civil condition. For support of this reading, see Katrin Flikschuh, "Kant's Sovereignty Dilemma: A Contemporary Analysis," *Journal of Political Philosophy* 18, no. 4 (2010): 469–93.

[25]At one point, Kant explicitly connects his anti-imperialism and his antirevolutionary doctrines in explaining his rejection of policies that would authorize violence to establish civil conditions. See MM 122, 6:353.

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of his more foundational moral commitments.[26] An interpretation of Kant that understood him to license violence to establish a civil condition among different peoples would have difficulty explaining this core commitment, and to that extent the plausibility of the interpretation would suffer.[27]

Desch suggests that Kant explicitly endorses the use of active measures by a "republican hegemon" to establish a peaceful federation of republican states (14, citing PP 117, 8:356). But there is not a single word in the passage cited by Desch suggesting that a "powerful and enlightened people" has any right to use coercive force in its role as "focal point for a federal association." Indeed, in one of the most memorable passages in "Perpetual Peace," Kant insists that the international "state of war" is "rationally preferable to [states'] being overrun by a superior power that melds them into a universal monarchy. For laws invariably lose their impact with the expansion of their domain of governance, and after it has uprooted the soul of good a soulless despotism finally degenerates into anarchy" (PP 124–25, 8:367). Kant thus unites his anti-imperialism and his rejection of a coercive world state in denying the right to go to war in order to establish a global civil condition. (In forming this judgment, he may have been responding to what he saw as the injustice of the wars in which France—a largely enlightened republic, by Kant's lights—aimed to export the principles of the revolution.[28]) On Kant's view, powerful republics best promote the transition to a condition of global right not through regime-changing intervention but through collective self-defense and exemplary law-abiding and law-promoting practices.[29]

A third possible source of support for the view that Kant exempts nonrepublican states from the Article 5 prohibition on intervention emerges in Desch's reference to Kant's discussion of the rights of states against "unjust enemies" (14, citing MM 118–19, 6:349).[30] Kant states that an "unjust enemy" can be

[26]Sankar Muthu, *Enlightenment Against Empire* (Princeton: Princeton University Press, 2003), 122–209.

[27]We are not prepared to argue that it is impossible to reconcile the idea that one may coerce other *states* into joining a civil condition with the idea that one may not so coerce groups of individuals who are in a noncivil, social state. There may be relevant distinctions in the cases that could explain a difference in entitlements. The question of how nonsedentary, noncivil peoples fit into Kant's view of international right deserves more research. Here we just note that our reading seems much more congenial to Kant's anti-imperialism than does Desch's.

[28]Kleingeld, "Kant's Theory of Peace," 488.

[29]See, for example, Pangle and Ahrensdorf, *Justice Among Nations*, 199.

[30]Susan Meld Shell also suggests that Kant's "unjust enemies" doctrine would support the US invasion of Iraq in 2003. It is not quite clear, however, whether this is because she believes nonrepublican government renders one an unjust enemy, or whether this is because of Iraq's various international wrongs. Shell, "Kant on Just War and 'Unjust Enemies,'" 100–103.

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made "to adopt a new constitution that by its nature will be unfavorable to the inclination for war" (MM 6:349). According to Desch, Kant's discussion underwrites the claim that "an unjust enemy is a state that fails to embrace republicanism," and that therefore "if a state is not truly representative … it does not enjoy the same right of nonintervention [as republican states]" (14). But we think that this overstates the case. Kant defines an unjust enemy as a state "whose publicly expressed will (whether by word or by deed) reveals a maxim by which, if it were made a universal rule, any condition of peace among nations would be impossible and, instead, a state of nature would be perpetuated." Setting aside some confusing aspects of the passage in question,[31] and accepting for the benefit of Desch's argument that Kant means to make a case for initiating wars against "unjust enemies," Kant's argument does not support the claim that it is legitimate to intervene in nonrepublican states. Kant seems to restrict the "unjust" label to states that commit *international* wrongs, such as the "violation of public contracts" (MM 119, 6:349).[32] Kant also seems to limit his authorization for intervention only to those states whose "freedom is threatened by" the international wrong and then only to defensive wars "in order to maintain what belongs to" a state (MM 119, 6:349). While Kant does, of course, think that states that violate domestic right are more likely to commit violations of international right (such as wars of aggression), he never once hints at the proposition that nonrepublicanism itself represents a "maxim" that renders

[31]For example, Kant's more considered view of this issue may be that "unjust enemy" is an empty category in the state of nature. (See the conclusion of the discussion at MM 119, 6:350; see also PP 110, 8:346–47.) Furthermore, Kant seems to suggest that the "unjust enemy" designation affects the "quantity or degree" of means a state may use in conflict, but not necessarily the right to initiate conflict of whatever kind in the first place (although coercive change of the unjust state's constitution may be among the permitted means once a conflict has begun; see MM 118–19, 6:349). So it is not obvious that the fact that an enemy is "unjust" *ipso facto* renders the initiation of force acceptable. Doubts on these scores would further buttress our claims in the text that, at most, the "unjust enemy" discussion explains certain expansive rights to self-defense that fall short of a right to regime-changing intervention.

[32]With the possible exception of Shell (see notes 30 and 34), all interpreters we have found who have addressed the question agree that one is only an unjust enemy if one commits specifically international wrongs. See, e.g., Bernstein, "Kant on Rights and Coercion in International Law," 89–100; MacMillan, "A Kantian Protest," 559; Cavallar, *Kant on the Theory and Practice of International Right*, 104–10; and Brian Orend, "Kant's Just War Theory," *Journal of the History of Philosophy* 37, no. 2 (1999): 349–51. Cavallar further suggests that one is an unjust enemy only if one violates the rights of other states "*repeatedly* and *constantly*," and only if a majority of states vote to designate one an unjust enemy (*Kant on the Theory and Practice of International Right*, 105–108). Although this may sound like a plausible position, the textual support for these further requirements is very thin.

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peace impossible.[33] It is important in this context to properly identify the relevant maxim. The nonrepublican state does not require a maxim of international action licensing states to be nonrepublican, in the sense that they have a moral permission to be despotic. The nonrepublican state only requires the maxim that a state may be despotic and nevertheless immune from coercion. Kant's blanket endorsement of Preliminary Article 5 shows that he believes that this maxim is indeed compatible with perpetual peace.[34] So long as the state is abiding by international right in practice, Kant takes the view that nonrepublicanism is best dispensed with internally by existing governments, rather than through violent revolution or regime change. By contrast, he comes very close to suggesting that interventionism is an unacceptable maxim, when, as discussed above, he argues that universalized interventionism "would render the autonomy of every nation insecure" (PP 109, 8:346). The regime-changing *intervener*, therefore, is more likely to deserve the label of "unjust enemy" than a nonaggressive despotic state.[35]

Finally, the authors cited by Desch in support of his interpretation do not, on closer reading, support the interventionist view.[36] Desch cites Pierre

[33]This is not to deny the core Kantian view that nonrepublican states are war-prone — it may in fact be the case that illiberal states are more likely to commit international wrongs (consistent with Kant's casual argument about democracy and war), but that they are still protected by the Article 5 prohibition on interference. If and when this latent war-proneness becomes manifest, of course, the nonrepublican state will be an "unjust enemy."

[34]If one interprets Susan Meld Shell to support regime-changing intervention (as opposed to regime change subsequent to a war against a state that has committed some other international wrongs rendering it an unjust enemy), her key error in interpreting the "unjust enemy" doctrine lies in this confusion of maxims. On this reading of her article, she assumes that mere existence as nonrepublican constitutes an "externalized intention" to remain in the state of nature, thus rendering one an unjust enemy ("Kant on Just War and 'Unjust Enemies,'" 101). But, as we have argued throughout, Kant believes that despotic states may take part in the historical development of a global civil condition, even if this process will ultimately end with every state adopting a republican constitution.

[35]Of course, the nonaggressive despotic state may be far more "unjust" than the (presumably republican) intervening state, even taking into account the injustice of the intervention. But, perhaps to put it rather blithely, the intervener may be acting more like an "enemy" in disregarding the rules of international right.

[36]As Desch acknowledges, several influential international relations scholars disagree with the interventionist interpretation of Kant. Waltz describes Kant as a "noninterventionist liberal"; see Waltz, "Kant, Liberalism, and War," 337, and the discussion of Kant in Kenneth Waltz, *Man, the State and War: A Theoretical Analysis* (New York: Columbia University Press, 1954), chap. 4. Michael Doyle agrees that Kant "regards these wars [e.g., to promote freedom] as unjust and warns liberals of their susceptibility to them" (Doyle, "Liberalism and World Politics," 1160). Desch notes (14n31) that Doyle also concedes in this same passage that Kant's position on

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Hassner in support of the proposition that "intervention to change [nonrepublican] regimes or the use of coercion to force states to join the league is not inconsistent with [Kant's] system" (13 and n29). But we do not understand Hassner to make this claim. On the contrary, Hassner notes that "the organization of states must not possess sovereign power but should be merely an alliance or federation, revocable at will and requiring periodic renewal."[37] He later states that "Kant comments variously though not merely inconsistently on the … question of the coercive power of the Confederation."[38] We agree with Hassner that Kant's position on the powers of the federation wobbles a bit, but we think that the most coherent reconstruction of Kant's settled views is that he opposed granting coercive powers to the federation.[39] Similarly, Desch argues that John Rawls supported an interventionist view of liberalism (15). While Rawls argued that we do not need to "tolerate" nondecent regimes, this lack of an obligation to recognize such regimes as "equal participating members in good standing of the Society of Peoples" does not imply a right to intervene militarily.[40] Rawls seems to accept a right to intervene in cases of "egregious" human rights abuses,[41] but he never suggests that "nondecency" itself warrants military intervention. Elsewhere Rawls indicates his broad agreement on just war theory with Michael Walzer,[42] who (in writings appearing after Rawls's work) concluded that his own position led him to reject the idea that "regime change, by itself, can be a just

this point is "ambiguous." Doyle's discussion here does not support Desch's interpretation of Kant, however, for two reasons. First, it is not clear whether Doyle intends to defend a right to intervention on Kantian grounds, or is just observing the empirical fact that liberal states have historically tended to disregard the rights of nonliberal states. Second, to the extent Doyle does intend to make a normative case for intervention grounded in Kant, his reasoning (that illiberal states "do not authentically represent the rights of individuals" and thus "have no rights to noninterference") is flawed. As we discuss in the text, Kant's proscription against intervention does not rest on a regime's degree of representativeness, but rather on the extent to which it has established a civil condition. See Doyle, "Liberalism and World Politics," 1160–62.

[37]Pierre Hassner, "Immanuel Kant," in *History of Political Philosophy*, ed. Leo Strauss and Joseph Cropsey, 2nd ed. (Chicago: University of Chicago Press, 1972), 580.

[38]Ibid., 582.

[39]See the sources cited in note 22.

[40]John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), 59.

[41]Ibid., 93n6.

[42]Ibid., 95n8. Rawls's specific points of agreement with Walzer are on matters relating to conduct *in* war, rather than just causes of war, but Rawls gives an apparently general endorsement of Michael Walzer's *Just and Unjust Wars* and claims not to "depart from it in any significant respect."

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cause of war."[43] Neither Rawls nor Walzer give credence to the position that liberalism supports regime-changing interventions. Instead, these authors, like Kant, suggest quite the contrary.

Is a Realist Alternative Necessary?

We think there is space within Kantian liberalism for a just military intervention. There may be cases of widespread human rights violations so severe that we cannot even say that an imperfect, despotic civil condition exists in the target state—in such cases, perhaps, the Kantian might say that the "barbaric" government has effectively reinstated the state of nature by replacing the rule of law with the rule of force. Or perhaps there may be violations of what Kant would call "cosmopolitan right" so extreme that the "international right" to nonintervention is superseded. We certainly do not mean to endorse an absolute prohibition against intervention, or to suggest that Kant's arguments commit one to such a position. But this acknowledgment is a far cry from a general authorization for regime-changing interventions and the violent overthrow of illiberal states. Kant had a deep skepticism about the ability of violence to establish a lasting peace. This certainly need not commit one to naive pacifism, but it does suggest that regime-change interventions are generally profoundly illiberal.

Like Desch, we also agree that the pursuit of liberal goals must be tempered by prudence and clear thinking (39–43). But this is not to dispense with Kantian liberalism, but rather to embrace one of its core commitments. Kant himself saw this clearly: "prudence cautions us not to employ power in direct pursuit of [the end of perpetual peace], but rather to approach it indirectly, through those conditions presented by favorable circumstances" (PP 133, 8:378). Realism is not necessary as a check on Kantian liberalism as it was properly constructed—not overreaching and expansionist, but seeking to strike a balance between the international rule of law, gradual political change, and republican governance. At least one major realist thinker, Kenneth Waltz, shared this view of Kant. According to Waltz, Kant's careful approach to the moral obligations of states in international affairs recognized the "necessities of power politics" and was consistent with "caution, flexibility, and moderation in the judgment of human behavior."[44]

Desch may in fact be correct about the prevalence of illiberal tendencies in US foreign affairs, and he may have other reasons to support a realist foreign policy. There may also be other arguments for intervention that can be constructed on liberal grounds. But on the narrow question whether Kantian liberalism creates a duty to forcibly remove nonrepublican states and expedite an international perpetual peace, he might consider giving Kant a second look.

[43] Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2006), xiii.

[44] Waltz, "Kant, Liberalism, and War," 334 and 333.

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