

**The Ethics of Military Intervention:  
What Can We Learn From the Modern European Classics?**

A two-day conference at Columbia University

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International Affairs Building (IAB), Room 1512

**Paper Abstracts (in alphabetical order):**

**William Bain (Aberystwyth), “Vitoria and the Conditions of Dominion.”** Francisco de Vitoria's writings have been most influential, at least among scholars of international relations, in theorising the expansion of (European) international society. Fundamental to this project is consideration of the right use of force in justifying the conquest of the new world, thereby explaining the conditions of Spanish dominium in the New World. But the idea of dominium itself has received considerably less attention, although it is an indispensable part of Vitoria's argument. The purpose of this essay is, first, to consider the question of dominium in an attempt to illuminate how Vitoria conceived of legitimate political association, that is, the conditions of licit authority, its origin, and the ends for which it is justified. Once this question is addressed it is then possible to consider related questions, pertaining, for example, rightful membership in the family of nations, the extent to which convention demands toleration, and the circumstances in which membership might lapse. The essay will, second, consider the extent to which Vitoria's thought might inform aspects of contemporary international relations, particularly in light of theological content that is unlikely to gain traction in an ostensibly secular world. The essay will conclude by arguing that Vitoria's thought is unlikely to provide much direct guidance in navigating most problems of contemporary international relations, such as those related to intervention. More promising, however, is the way in which his structure of argument and political language might be instructive.

**Ariel Colonomos (CNRS-CERI, Paris), “Worshipping Ambiguous Gods: The Just War Tradition and Preventive War.”** We can learn a great deal from the Classics; we can also learn where our ambiguities originate. During the years that followed 9/11, preventive war has been a highly controversial issue that has divided politicians, lawyers and ethicists. This paper argues that many of these controversies reflect the very ambiguities and contradictions of the just war tradition. I will discuss mainly three major authors, Suarez, Gentili and Grotius and show that their legacy is more problematic than usually assumed (the just war tradition is, ultimately, nothing but a shield intended to offer some protection against the hubris of hawkish preventive war making).

**Michael Doyle (Columbia), “A Few Words on Millian Intervention.”** Nonintervention has been a particularly important and occasionally disturbing principle for liberal scholars and statesmen, who share a commitment to basic and universal human rights. On the one hand, Liberals have provided some of the very strongest reasons to abide by a strict form of the nonintervention doctrine. It was only with the security of national borders, liberals such as Immanuel Kant and John Stuart Mill thought, that peoples could work out the capacity to govern themselves as free citizens. On the other hand, those very same principles of universal human dignity when applied in different contexts have provided justifications for overriding or disregarding the principle of nonintervention. In explaining this dual logic I present an interpretive summary of J.S. Mill’s famous argument against and for intervention, presented in his “A Few Words on Non-Intervention” (1859/1973). I stress, more than has been conventional, the consequentialist character of the ethics of nonintervention and intervention. It makes a difference whether we think that an intervention will do more good than harm and some of the factors that determine the outcome are matters of strategy and institutional choice. I also engage in a one-sided debate with Mill as I explore the significance of the many historical examples he employs to support his argument. Do they actually support his conclusions? Could they—given what he knew or should have known, given what we now think we know? My conclusion will be that, persuasive as the moral logic of his argument for liberal intervention sometimes is, the facts of the particular cases he cites actually tend to favor a bias toward nonintervention—that is, against overriding or disregarding nonintervention. That said, enough of his argument survives to warrant a firm rejection of strict noninterventionism.

**Pierre Hassner (CERI, Paris). “Sovereignty, Morality and History: The problematic legitimization of force in Rousseau, Kant and Hegel.”** The thoughts of Rousseau, Kant and Hegel are interesting both by what they have in common and by their divergences. Neither of the three has a specific doctrine on military intervention, as distinct from war. Neither believes in a world authority capable of applying constraint in the service of universal law. Rousseau is particularly suspicious of the intentions of princes, and puts his hope into small republics, capable of defending themselves but not of attacking anybody, although some passages in his work on the Abbé de Saint-Pierre may suggest another interpretation. For Kant, the central point is the moral interdiction of the use of force. But, on the other hand, he thinks that passions, rivalries and wars have served the design of nature (or providence) for the unification of mankind. Military intervention, forbidden to men and states even if motivated by the desire of spreading peace or constitutional government, is taken care of by the “cunning of nature” (even though allowance would seem to be made for war against an unjust enemy whose maxims make peace impossible). With Hegel, these ambiguities disappear or are relegated to the realm of the individual conscience: states and conquerors think they follow their own interests and passions but, in fact, they are instruments of the hidden design of history. The latter has definitively the upper hand and the moral criticism its instruments encounter is dismissed as the expression of a servant mentality. World history is the World Tribunal. These three doctrines seem to anticipate the tensions and dilemmas of our time concerning the subject of military intervention. Is sovereignty absolute, as Rousseau seems to suggest? Does morality dictate pacifism or interventionism? Can the historical

dimension, reintroduced by the question of the long-term consequences of interventions for freedom and social development, be eliminated from the debates for or against intervention?

**Benedict Kingsbury and Alexis Blane (NYU), “Relating Justifications for Intervention to Justifications for Punishment: Vitoria, Gentili, Grotius and Contemporary International Law.”** What happened to punishment as an explicit justification, indeed as a legal justification, for military intervention and other forcible state behavior? Would the conduct of international and post-conflict relations be better or worse if it were reintroduced into the vocabulary of international law? Does the moralizing of international relations – including new theories of just war, humanitarian or pro-democratic intervention, anti-demonic anti-terrorism, militant justice – inevitably imply judgment and punishment, and at what cost? Will such approaches bring international law around to a conception similar to Suarez’s early 17<sup>th</sup> century idea of war, that “the only reason for it is that an act of punitive justice is indispensable to mankind, and that no more fitting means for it is forthcoming within the limits of nature and human action”? The present paper lays the foundations for consideration of these modern questions concerning judgment and forcible punishment in international law by analyzing approaches to forcible punishment in early modern writings on war and jus post bellum, in which, unlike modern international law texts, issues of punishment of states and people were addressed directly. The paper centers on: the lectures in Spain of the Dominican Thomist Francisco de Vitoria (c. 1485-1546), particularly the lectures On War and on The Indies given in Salamanca in the early 1530s; the writings in Oxford of the Italian Lutheran-influenced civil lawyer Alberico Gentili (1552-1608), particularly *De Jure Belli* (1598); and the writings in Holland in exile of the Dutch-reform ecumenical humanist Hugo Grotius (1583-1645), particularly *De Jure Belli ac Pacis* (1625/46).

**Samuel Moyn (Columbia), “Appealing to Heaven: John Locke on Just War and Colonial Conquest.”** This paper will offer a new account of John Locke's theory of just war in the "Second Treatise of Government" by examining his strikingly ubiquitous but entirely neglected invocation of Jephtha, a biblical character. After spelling out Locke's general doctrine of justice in warfare, the paper will turn to examine his views on the legitimacy of conquest and the right of resistance, in which Jephtha also figures.

**Jennifer Pitts (Chicago), “Sovereignty, the global community, and intervention in Wolff and Vattel.”** We find a tension in the thought of Christian Wolff and Emer de Vattel, arguably the most influential theorists of the law of nations in the eighteenth century, around the question of intervention. Both were committed to a thick conception of an international society based on a set of universal moral values, but both also advocated strong conceptions of state sovereignty, in which states were equal and independent, and intervention in their affairs was illegitimate. Against the Grotian tradition, they argued that except in the most extreme cases of oppression, intervention was presumptuous and unjust, and a temptation to abuse of power. Wolff, despite the almost extravagant notion of a global legal and moral community he called the *civitas*

maxima, articulated the more uncompromising anti-interventionist position. Vattel, though more skeptical than Wolff about states' or individuals' right to judge the actions of other states, also offered a more robust set of justifications for intervention by individual states (though presenting these as exceptions to a general prohibition on interventions). Wolff and Vattel's work helped to secure what is coming to be seen as the "Westphalian myth" that after 1648 non-intervention was a sacrosanct principle. But Vattel's work was also drawn upon during the French Revolution as justification for war by both revolutionaries who sought to export the revolution and their opponents who sought grounds for a war waged by European monarchs against the revolution. The tension in their thought is one that continues to bedevil debates about humanitarian intervention, now as a tension between two commitments in the United Nations Charter: to state sovereignty on the one hand, and human rights on the other.

**Stefano Recchia (Columbia), *"The origins of liberal Wilsonianism: Giuseppe Mazzini on regime change and humanitarian military intervention."*** Contemporary international relations scholars sometimes refer to Mazzini *en passant* along with figures such as Immanuel Kant, J.S. Mill and Richard Cobden, usually to contrast Mazzini's putative messianic interventionism with the more prudent internationalism of those other liberal thinkers. However, I argue that this reading is fundamentally incorrect: Mazzini certainly encouraged the great powers of his day to pursue an activist foreign policy inspired by principles of individual freedom, democracy, and national self-determination. Yet he rejected forcible regime change on both moral and consequentialist grounds, insisting that democracy imposed from the outside could hardly be sustained and would probably soon relapse into anarchy or dictatorship. For Mazzini, foreign military intervention could be justified only as counter-intervention, to re-balance the situation on the ground once another foreign army had already intervened, or as humanitarian intervention in the face of large-scale massacres of civilians. More generally, Mazzini made a seminal contribution to the development of modern liberal internationalism, and specifically to what later came to be known as "liberal Wilsonianism." There is indeed some evidence that Mazzini's writings and ideas crucially affected the worldview and normative outlook of U.S. President Woodrow Wilson.

**Edwin van de Haar (Ateneo de Manila), *"Hume and Smith on Just War, Empire and Intervention."*** David Hume and Adam Smith had far more to say about international relations than is regularly presumed by modern scholars of International Relations (IR). Their ideas on issues like the nation, war, trade and peace, the balance of power and order in international society differ considerably from what the IR canon usually considers as a 'liberal' position. This paper shows this also applies to their views on empire and intervention. After an outline of their general positions on foreign relations, the analysis will focus on their views on individual rights, just war, military action abroad and colonialism. Besides comparing and interpreting Hume's and Smith's ideas, their views will be discussed in the light of classical liberal political thought and confronted with insights from current IR-literature.

**Jennifer Welsh, “*Burke and Intervention: The Laws of Vicinity and Neighbourhood.*”**

Edmund Burke is an important classical thinker on international relations, with a coherent conservative position on the bases of international order in Europe in the eighteenth century. This paper will analyse Burke's views on intervention in a series of cases in the French Revolutionary period. It will demonstrate how his conception of the Commonwealth of Europe, and its social and cultural underpinnings, informed his theory of when and how fellow Europeans should intervene in cases of revolution and civil war. In particular, it examines Burke's concepts of vicinity and neighbourhood, drawn from Roman law principles, and illustrates how they bestow rights on the members of the Commonwealth.