Does Kant Justify Liberal Intervention?

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The recent U.S. 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 doctrines 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

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).
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 Desch not only advances a misinterpretation of Kant, but also misdiagnoses the remedy: the problem is not the influence of “Kantian roots” in American foreign policy, but that these roots have not grown deep enough.

**Kant and Regime Change**

Desch begins his discussion of U.S. liberalism with the claim that Immanuel Kant “has had the greatest influence on US foreign policy, primarily through the theory of the ‘democratic peace’” (11). Because non-republican 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). In 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 actualize [the] Liberal dream of perpetual peace” (13). Desch acknowledges (13-14) 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.\textsuperscript{3}

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.

Does Kant’s system justify or require liberal intervention for the purposes of regime change? A fuller examination of Kant’s writing and the body of interpretation cited by Desch suggests that this interpretation is most likely incorrect. The view that there is a Kantian imperative forcibly to democratize other sovereign governments ignores the fact that Kant assigns greater importance to the presence of a “civil condition” in a state than to 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. Kant regards the move beyond a Hobbesian state of nature in domestic politics as a substantial moral achievement. By damaging or undermining this domestic peace, Kant argues that 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, law-like 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 “demands immediate

\textsuperscript{3}Immanuel Kant, “Perpetual Peace: A Philosophical Sketch,” in Humphrey, ed., Perpetual Peace and Other Essays. Indianapolis: Hackett, 1983, p. 115 (Akademie pagination 8:354). Henceforth citations from this essay will be noted parenthetically in the text as PP, followed by the Hackett page number and the Akademie volume and page number.
implementation” (PP 110, 8:347), and applies equally in protecting republican and non-
republican states that 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). 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.\footnote{See also Immanuel Kant, \textit{The Metaphysics of Morals} (ed. Mary Gregor) (Cambridge, England: Cambridge University Press, 1996), p. 112 (Akademie pagination 6:340). 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.}
One of the most consistently repeated propositions in Kant’s political philosophy is that the duty of states
to become republican is compatible with a strict prohibition on the violent (i.e.,
revolutionary) establishment of republican reforms by citizens of such states (see, e.g., PP
128-29, 8:372; PP 136, 8:382; MM 94, 6:317; MM 95, 6:319; MM 96-97, 6:320; MM 98,
6:321-22; MM 112, 6:340; MM 124, 6:355). 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 resistance to violent
constitutional change further emerges in his unwillingness to countenance the use of
force even within his proposed “peaceful federation” to police the internal conditions of
the federation’s member states - for instance, to keep them republican or “meddle in one

\footnote{Thus, 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 (on the connection of “right” and coercion, see MM 25-26, 6:231-32).}
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). This general skepticism of regime change, from above or below, reflects Kant’s view that the establishment of a civil condition, however imperfect or even despotic, is a major moral accomplishment. Violence, therefore, even in the name of further constitutional perfection, presents an intolerable risk of anarchy and backsliding into a state of nature in which all rights, public and private, are insecure (see, e.g., PP 129, 8:373 n.*).

Do “unjust enemies” or non-republican states forfeit the right to non-intervention?

In support of his reading that Kant exempts non-republican states from the Article 5 prohibition on intervention, Desch cites Kant’s discussion of the rights of states against “unjust enemies” (14, citing MM 118-19, 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. Setting aside some confusing aspects of the passage in question, 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

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6 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 Thomas L. Pangle and Peter J. Ahrensdorf, Justice Among Nations: On the Moral Basis of Power and Peace (Lawrence, Kan.: University Press of Kansas, 1999), pp. 199-200.

7 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 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 which fall short of a right to regime-change intervention.
it is legitimate to intervene in non-republican states. Kant seems to restrict the “unjust” label to states who commit *international* wrongs, such as the “violation of public contracts,” at least *vis-à-vis* those states whose “freedom is threatened by it” (MM 119, 6:349), and to limit his authorization 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 non-republicanism itself renders one an “enemy” with a “maxim” which renders peace impossible. So long as the state is abiding by international right in practice, Kant takes the view that non-republicanism 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 just such 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-change *intervener*, therefore, is more likely to deserve the label of “unjust enemy” than a non-aggressive despotic state.

Kant does occasionally suggest that in a state of nature, one may use coercion to force others to join in the establishment of a civil condition. But the right to forcibly establish a civil condition in a state of nature does not imply a right to regime change, for two reasons. First, at least in his most extended treatment of the issue, in the “Perpetual Peace” essay Kant explicitly rejects any right of states to preventive war—that is, the

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8 This isn’t to deny the core Kantian view that non-republican 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 non-republican state will be an “unjust enemy.”

9 Of course, the non-aggressive 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.
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).\textsuperscript{10} As preventive wars connect much more directly to the self-defensive rationale for force in the state of nature, Kant’s arguments against preventive war seem to apply \textit{a fortiori} to regime-change wars that justify force on the grounds of a general propensity of non-republican 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. 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 Kant acknowledges, 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

\textsuperscript{10} In a subsequent, but briefer, discussion, Kant seems to shift his view, and appears to endorse preventive war in some circumstances (MM 116, 6:345). He gives no explanation for his shift, and we find his arguments in “Perpetual Peace” more consistent with his broader commitments. Even if we were to concede that the most coherent Kantian position endorsed preventive war in a state of nature, however, we do not think this implies support for the more expansive right to regime-change intervention, as we explain in the text.
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 may be 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).

Desch also 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. On Kant’s view, powerful republics best promote the transition to a condition of global right not through regime-change intervention but through collective self-defense and exemplary law-abiding and law-promoting practices.

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

12 See, for example, Pangle and Ahrensdorf, Justice Among Nations, p. 199.
Finally, the authors cited by Desch in support of his interpretation do not, on closer reading, support the interventionist view. Desch cites Pierre Hassner in support of the proposition that “intervention to change [non-republican] regimes or the use of coercion to force states to join the league is not inconsistent with [Kant’s] system” (13 & n.29). But we do not understand Hassner to make this claim. On the contrary, Hassner notes on page 580 of the same article 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”.13 He later states that “Kant comments variously though not merely inconsistently on the . . . question of the coercive power of the Confederation.”14 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. Similarly, Desch argues that John Rawls supported an interventionist view of Liberalism (15). While Rawls argued that we do not need to “tolerate” non-decent 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.15 Rawls seems to accept a right to intervene in cases of “egregious” human rights abuses,16 but he never suggests that “non-decency” itself warrants military intervention. Elsewhere Rawls indicates his broad agreement on just war theory with Michael Walzer,17 who (in writing appearing after Rawls’s work) concluded that his own position led him to reject the idea that “regime

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14 Ibid., p. 582.
16 Ibid., § 13.3, pp. 93-94 n.6.
17 Ibid., §14.1, p. 95 n.8. 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 Walzer’s Just and Unjust Wars, and claims not to “depart from it in any significant respect.”
change, by itself, can be a just cause of war.”

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 government has effectively reinstated the state of nature by replacing the rule of law with the rule of force. Or perhaps there may be such extreme violations of what Kant would call “cosmopolitan right” that the “international right” to non-intervention is superseded. We certainly do not mean to endorse an absolute prohibition against intervention, nor to suggest that Kant’s arguments commit one to such a position. But this acknowledgement 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 naïve 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 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

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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.

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 of whether Kantian liberalism creates a duty to forcibly remove non-republican states and expedite an international perpetual peace, he might consider giving Kant a second look.