

HELPING THE REBELS

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1. REVOLUTION AND INTERVENTION

IT IS A STRIKING FEATURE of revolutionary wars that they often fail to meet the requirement of having a reasonable chance of success—despite otherwise meeting the traditional *jus ad bellum* principles—unless other states or international institutions militarily intervene to support the insurgents. Thus, the very permissibility of waging such wars, which are necessary to end some of the most tyrannical regimes we are familiar with, often depends on military intervention being permissible. In this respect, the permissibility of intervention becomes a precondition of the permissibility of rebellion against tyranny. The latter might not be permissible if the former is not.

On the other hand, intervention tends to significantly increase the length of revolutions and civil wars.¹ This is partly for the obvious reason that when intervention takes place weapons take longer to run out, and partly because intervening parties tend to feel the costs of these wars (both economic and human) less than locals, and thus have less of an incentive to end hostilities. Indeed, their interest is often to escalate the conflict when the side they support faces defeat (as in the Syrian case).

As these quick remarks illustrate, identifying the conditions for the permissibility of military intervention in support of attempts to rebel against authoritarian regimes has a central role in any account of revolution. And yet the question has received surprisingly little attention in the most recent debate on just war. The problem was addressed in the late 1970s by Michael Walzer and a group of philosophers who engaged with the arguments of his seminal *Just and Unjust Wars*.² But it has rarely been addressed since, despite the fact that its urgency

1 Regan, “Third-Party Interventions and the Duration of Intrastate Conflicts,” 55–73.

2 Walzer, *Just and Unjust Wars* and “The Moral Standing of States”; Doppelt, “Walzer’s Theory of Morality in International Relations”; Wasserstrom, review of *Just and Unjust Wars*; Luban, “Just War and Human Rights”; Beitz, *Political Theory and International Relations*; Tesón, *Humanitarian Intervention*.

has been highlighted, once again, by the wave of revolutions that swept the Arab world beginning in 2010, most notably in Libya.

One important exception to this glaring lacuna in the current philosophical debate is the work of Allen Buchanan, who has addressed this question in a pair of recent papers that together outline an ambitious account of the ethics of revolution and its implications for the ethics of intervention.³ Buchanan's account is bold and yet sophisticated. It is bold in that it advances a number of theses that will no doubt strike the reader as highly controversial; it is sophisticated in that it rests on a nuanced account of the dynamics that characterize the rise and development of revolutions and, more importantly, of the constraints that the right to political self-determination places on intervention. The notion of political self-determination also plays a crucial role in Walzer's account of the relationship between the permissibility of rebelling and the permissibility of military intervention, but while his critics have invariably criticized Walzer's account, not much has been done by philosophers working on revolution and intervention to replace it with a more plausible one.⁴ One of the merits of Buchanan's account is that it takes on this important task.

Buchanan argues that, despite the importance of political self-determination, military humanitarian intervention may be permissible, at least in some cases, without the consent of the rebelling population that the intervention intends to benefit. Indeed, given certain structural features of the way revolutions typically unfold, there are often reasons to disregard the consent of the population oppressed and intervene *before* the revolution starts.⁵ More controversially, he argues that the aims of the intervention need not be limited to overthrowing the unjust regime. Military force may also be permissibly employed to nullify the democratic constitutional choice of the newly liberated population and impose a particular form of democratic government, if doing so is necessary to guarantee the conditions for the future exercise of the right of self-determination

- 3 Buchanan, "The Ethics of Revolution and Its Implications for the Ethics of Intervention," 291–323, and "Self-Determination, Revolution, and Intervention." (Some of the themes explored in the first article were anticipated in his "Revolutionary Motivation and Rationality," which focuses on Marx's theory of revolution). Two other recent contributions are Finlay, "Reform Intervention and Democratic Revolution," and Dobos, *Insurrection and Intervention*.
- 4 An exception is Charles Beitz, who discusses political self-determination at length both in his *Political Theory and International Relations* and in "The Moral Standing of States Revisited." However, Beitz's discussion does not focus specifically on revolutions, as Buchanan's does.
- 5 Buchanan, "The Ethics of Revolution and Its Implications for the Ethics of Intervention."

(and if the population will be able, through constitutional means, to replace the imposed democratic government with a different one).⁶

In this paper, I further elaborate Buchanan's account of political self-determination and argue that once correctly understood, the sort of picture of political self-determination he operates with (which seems to me roughly correct) places tighter constraints on intervention than he allows. Thus, his bold conclusions should be resisted.

2. BUCHANAN'S ACCOUNT

Typically, those who have addressed the question of the permissibility of humanitarian intervention have framed it in terms of a tension between the moral demand to protect human rights and the moral demand to respect political self-determination. In the same way in which individuals have a right against others interfering with their own agency against their will in order to protect them from harm or to make them better off, political communities are said to have a right against others interfering with their own agency against their will in order to protect them from harm or to make them better off. So understood, the objection to humanitarian intervention ultimately has an anti-paternalistic foundation.

Michael Walzer famously defends this view. He argues that humanitarian intervention is permissible only in cases of supreme humanitarian emergency, such as massacre, enslavement, or mass deportation. Any intervention to bring down tyrannical regimes that do not engage in this sort of widespread or systematic violation of human rights would be impermissible since it would constitute an unjustified form of interference with the right to self-determination of the community in question. In this case, revolution would be permissible. The members of the community are "as free not to fight as they are free to rebel. But that freedom does not easily transfer to foreign states or armies and become a right of invasion or intervention; above all, it does not transfer at the initiative of the foreigners."⁷

In response, Buchanan distinguishes between a negative and a positive component of political self-determination: the latter refers to the right of a political

6 Buchanan, "Self-Determination, Revolution, and Intervention."

7 Walzer, "The Moral Standing of States," 223; see also Walzer, *Just and Unjust Wars*, 89–91. Walzer mentions two further "rules of disregard." Intervention is permissible (a) when a particular state includes more than one political community and some of them are trying to secede, or (b) when another state has already intervened in a civil war to support one of the factions and the effects of this earlier intervention need to be neutralized. These two exceptions are less important for the purposes of my discussion, so I will bracket them here.

community to govern itself through the exercise of its own autonomous agency; the former refers to the right of the political community not to be subject to external interference.⁸ The problem with Walzer's view, Buchanan argues, is that it assigns paramount importance to negative self-determination, ignoring the fact that its value ultimately resides in protecting positive self-determination.⁹ But it is a mistake to think that all it takes to preserve the self-determination of a political community is ensuring that the community is not interfered with by others, for not being determined by others is not equivalent to being self-determining.¹⁰ There will be cases in which a political community enjoys negative self-determination, in that it is not interfered with, and yet it fails to exercise positive self-determination because it lacks what it takes to govern itself through the exercise of its autonomous agency.

I am not sure it is correct to say that Walzer ignores the value of positive self-determination, since his argument for noninterference (i.e., negative self-determination) is precisely that the process of positive self-determination "has value even if it is not always pretty, and even if its outcome does not conform to philosophical standards of political and social justice."¹¹ The problem with Walzer's view is not that it focuses on negative self-determination, ignoring positive self-determination. The problem is that Walzer operates with an implausible conception of positive self-determination, according to which the internal balance of power generated within a political community around certain institutions, no matter how authoritarian, constitutes a genuine expression of the will of the community.¹²

8 On this distinction, see also Cassese, *Self-Determination of Peoples*, 5–12; Beitz, *Political Theory and International Relations*, 92–93; Patten, "Self-Determination for National Minorities," 120–44 (though these authors prefer the label "internal/external self-determination").

9 Buchanan argues that it is doubtful that negative self-determination has any value other than that of protecting positive self-determination ("Self-Determination, Revolution, and Intervention," 452), but this seems too strong. To see this point, consider for a moment the value of self-determination as it applies to personal as opposed to collective agency. Suppose I enjoy external self-determination (freedom from being subject to external interference) but not internal self-determination (the capacity to govern myself in light of values and goals I have autonomously chosen), whereas you enjoy neither. There seems to be a sense in which my condition is preferable to yours. True, my life lacks self-direction, as does yours. But at least I am not someone else's puppet. Neither of us is the author of his or her own life, but your condition seems worse than mine, because in addition to being unable to form and pursue your own goals, you are being used to serve someone else's goals. I do not suffer this further wrong. The same point applies to collective self-determination.

10 Buchanan, "Self-Determination, Revolution, and Intervention," 451.

11 Walzer, "The Moral Standing of States," 232.

12 Walzer, *Just and Unjust Wars*, 87–91, and "The Moral Standing of States," 230–34. Buchanan

Indeed, the reason why Walzer allows intervention in cases of massacre, enslavement, or mass deportation is that only in these cases, within his own view, can the conditions for positive self-determination be said to break down. For “when a government turns savagely upon its own people, we must doubt the very existence of a political community to which the idea of self-determination might apply.”¹³ As we will see, this is precisely the move that Buchanan makes in order to conclude that respect for political self-determination does not always require refraining from humanitarian intervention that has not been consented to: when the conditions for self-determination are not in place in a given political community, intervention cannot be impermissible on the grounds that it would violate the community’s self-determination.¹⁴ The problem with Walzer’s view is that it offers an implausible view of the conditions under which self-determination is not in place, because it rests on an implausible conception of what positive self-determination consists in.¹⁵

Buchanan does not provide a fully developed account of political self-determination, but the model he operates with, according to which political self-determination requires some sort of “group agency,” is much more plausible than Walzer’s.¹⁶ In his words, “group agency requires more than that certain political outcomes be the result of activities of members of the group: they must be the result of the exercise of agency by the group, which in turn requires that the group be organized in such a way that it can be said that the group can decide and act. In other words, self-determination, where this means determination of political outcomes by the group—as distinct from those outcomes being caused

convincingly rejects this view (“The Ethics of Revolution and Its Implications for the Ethics of Intervention,” 316), drawing on some of the arguments offered by Walzer’s critics, as mentioned in note 1 above. A helpful discussion of this objection can also be found in Finlay, “Reform Intervention and Democratic Revolution.”

13 Walzer, *Just and Unjust Wars*, 101.

14 Charles Beitz offers a similar argument in “The Moral Standing of States Revisited,” 341.

15 The other two “rules of disregard” introduced by Walzer also support the conclusion that for him negative self-determination is ultimately valuable insofar as it protects positive self-determination. The reasons why intervention is permissible to help a community that is trying to secede from a multinational state is that there is no “fit between the government and the community,” and thus the former cannot be said to constitute an expression of the will of the latter. The reasons why intervention to defend a faction in a civil war is permissible when the enemy faction is already receiving some outside help is that the second intervention counterbalances the effects of the first, preventing it from unduly affecting the internal balance of forces, which for Walzer constitutes a genuine expression of political self-determination.

16 Henceforth, I will use “political self-determination” to denote what Buchanan calls “positive self-determination.”

by aggregated actions of individuals—requires that the group be an agent, not just that the individual members are agents. It must make sense to say that the group acts, and this requires a degree of organization—a structure or process that coordinates the actions of the individual members in such a way as to justify the claim that there is a collective agent.¹⁷

But if political self-determination requires group agency, and if group agency requires that the individual members of the political community coordinate their action in certain ways—say, by voting in free elections, supporting certain political leaders, or engaging in some other form of collective deliberation—then we should conclude that, when a country is run by an authoritarian regime in which only a minority has the power to determine how the political community will act, then the community in question is not really self-determining.¹⁸ For in this case, how the community acts, far from being the result of the exercise of agency by the whole group, is determined by what the minority in power wants. Thus, political self-determination is undermined not only in cases of massacre, enslavement, or mass deportation, but also whenever authoritarian regimes perpetrate violations of human rights that, while not widespread or systematic, are sufficiently serious to prevent the sort of group agency that Buchanan is talking about. (Members of political communities are unable to take part in processes of collective deliberation when their basic human rights, such as the right to life or the right not to be tortured, are constantly threatened and when they lack the capacity to engage in minimal forms of political participation.)

Suppose now that, while serious, the violations in question do not prevent the political community from being able to exercise its group agency. Even so, Buchanan argues, the permissibility of intervention is not conditional on consent to it having been secured from the oppressed population. This is for two reasons. First, given that tyrannical regimes typically curtail important freedoms—such as freedom of speech, association, and political participation—serious epistemic obstacles will afflict any attempt to ascertain that consent has been given under these circumstances. (The regime can hardly be expected to organize a referendum to enable the population to deliberate whether to accept help in overthrowing it.)¹⁹ Second, even when consent is somehow given (or

17 Buchanan, “Self-Determination, Revolution, and Intervention,” 450–51.

18 I do not take a position here on the specific kind of group agency that political self-determination requires. For the purposes of this paper, I simply rely on the general model based on the notion of “group agency” that Buchanan operates with. Two recent accounts of political self-determination compatible with Buchanan’s model can be found in Stilz, “The Value of Self-Determination”; Moore, *A Political Theory of Territory*.

19 Buchanan, “The Ethics of Revolution and Its Implications for the Ethics of Intervention,” 317–18.

refused), there is reason to suspect that it is the product of coercion or manipulation by the “aspiring revolutionary leaderships” (ARL) that started the revolution, rather than a genuine expression of the will of the population to receive (or refuse) help via military intervention.²⁰ This is because, as Buchanan’s illuminating discussion shows, coercion and manipulation are typically the most effective ways (sometimes the only ways) in which the ARL can mobilize the masses, overcoming the formidable coordination problems that beset any attempt to start a revolution.²¹

In light of these problems, Buchanan’s conclusion is that often the best way to respect the autonomy of a population subject to a tyrannical regime is, somewhat counterintuitively, to intervene early, without its consent, before the ARL has a chance to take control of the revolution and coerce or manipulate the rest of the population into consenting (or refusing to do so) according to the ARL’s own preferences. This intervention would not be subject to the charge of unjustified paternalism, Buchanan argues, because its main aim would not be to stop the human rights violations or bring down the unjust regime, but rather to establish the conditions under which valid consent to the intervention could be formulated and communicated by the population. For example, the intervener could “impose a ceasefire, physically separate the two sides, and then investigate the attitudes of the population toward the revolutionary struggle under conditions in which they can be freely expressed. . . . In intervening for this reason, it would not . . . be intervening to support the revolution, but rather to help create conditions under which it could determine whether to support the revolution.”²²

This is a powerful battery of arguments. In the rest of the paper I consider them in turn.

20 Buchanan, “The Ethics of Revolution and Its Implications for the Ethics of Intervention,” 318. For the same reasons, Buchanan argues, the permissibility of intervention is not conditional on the revolution being supported by widespread popular participation. Like consent, participation can be the product of manipulation or coercion. On the other end, lack of participation might be the product of the significant costs associated with raising against the regime, rather than reflecting genuine aversion to the revolutionary cause (Buchanan, “The Ethics of Revolution and Its Implications for the Ethics of Intervention,” 315–17).

21 Buchanan, “The Ethics of Revolution and Its Implications for the Ethics of Intervention,” 309–14. See also Buchanan, “Revolutionary Motivation and Rationality.”

22 Buchanan, “The Ethics of Revolution and Its Implications for the Ethics of Intervention,” 321.

3. HOW POLITICAL SELF-DETERMINATION CONSTRAINS THE PERMISSIBILITY OF INTERVENTION

Buchanan is certainly right that, insofar as political communities run by authoritarian regimes lack the capacity to exercise the sort of group agency required by political self-determination, any intervention aimed at restoring that capacity cannot be said to be interfering with an exercise of their political self-determination. In these cases, humanitarian intervention is not conditional on the community in question having consented to it for the simple reason that to the extent that it lacks the capacity for group agency, the community can neither give nor withhold consent. However, Buchanan makes a further claim—namely that in these cases intervention “is not a case of lack of proper regard for self-determination, and no violation of the right of self-determination has occurred.”²³ This further claim is, I contend, too strong.

Suppose that the democratic government of country *Y* is replaced at some point by a regime so authoritarian that *Y*'s political community can no longer be said to be able to exercise the sort of group agency required by political self-determination. There are nonetheless some constraints on what may be permissibly done to *Y*, based on the fact that *Y* retains a right to self-determination. *Contra* Buchanan, this right can be violated despite the fact that *Y* cannot currently exercise it.

To see this point, consider what we might call “personal self-determination,” i.e., the capacity that individuals possess to deliberate so that their actions can be said to be an expression of their autonomous agency. Suppose that I deprive you of the capacity to exercise your personal self-determination—for example, I drug you or hypnotize you, so that you cannot form and execute the intentions required to act and shape your life as you wish. It is certainly true that if a bystander intervenes to rescue you, she would not be interfering with an exercise of your self-determining agency. To the extent that you are under the effect of the drug or the hypnosis, you cannot formulate and act upon the intentions required for such agency to be in place. But is it true that there are no demands that your right to personal self-determination places on a bystander who could help you?

Suppose that the only way she could stop me is to kill me, but the bystander knows that you would not want me to die. You would prefer to suffer the terrible fate I have imposed on you rather than being the reason why I am killed (say because you are a committed pacifist or because you know I am about to find a cure for a disease that afflicts someone you love); or perhaps you would want

23 Buchanan, “Self-Determination, Revolution, and Intervention,” 461; see also 455–56.

to be rescued, but not by the bystander (say, because the bystander would do so in a way you find immoral or because she has severely wronged you in the past). We can imagine cases in which, if you were to be rescued by the bystander, the life that you would be living thereafter would be less valuable to you, less close to the plan of life you had been autonomously pursuing up until the moment of my attack, than the one you would be living if you were to be rescued by the bystander. This provides the bystander with some reasons, though not necessarily conclusive reasons, not to kill me. And these reasons are ultimately grounded in your right to decide how to shape your life and what should happen to you.

The fact that you are momentarily incapable of exercising your self-determining agency does not undermine your right to decide what happens to you. That right persists in virtue of the fact that, although currently unable to exercise your capacity to act as a self-determining agent, you retain that capacity. You are still an autonomous agent, despite the fact that your capacity has been momentarily impaired.²⁴

What is worth stressing here is that respecting the way in which you currently exercise your personal agency by consenting is not the only way in which we can respect your right to self-determination, though it is typically the best way, when available. There are other ways in which we can do that. We can respect your right to self-determination by acting in a way that conforms to

- a. how you have previously exercised your self-determining agency (suppose in the past you wrote a detailed account of how you would like others to act, should your self-determining agency be disabled because you are in a coma or drugged), or
- b. how we have reason to believe you would want to exercise your self-determining agency in light of sufficiently reliable evidence available to us.²⁵

The same is true in the case of political self-determination. There might be cases of intervention that would violate Y's right to self-determination, despite the fact that the intervention in question would not interfere with any current exercises

24 Or, perhaps more precisely, in virtue of the fact that you are sufficiently connected (in terms of whichever properties ground personal identity) to the entity that had that capacity before my attack and to the one that will gain that capacity again after your rescue. Insofar as that identity persists, the right also persists. For classic discussions of the properties that explain the persistence of your identity in this sort of case, see Parfit, *Reasons and Persons*; McMahan, *The Ethics of Killing*.

25 I believe something like this view of personal self-determination is ultimately what underlies Parfit's discussion of the different forms of consent (actual consent, past consent, and retroactive endorsement) in *On What Matters*, vol. 1.

of *Y*'s self-determining agency. This is because, although *Y* is currently unable to act as a self-determining agent, the intervention might be incompatible with

- a. previous exercises of *Y*'s self-determining agency that are still binding on intervening parties, or
- b. what we can reasonably expect *Y* to want in light of the goals and preferences *Y* has autonomously set for itself in the past. Those goals retain their normative force as an expression of *Y*'s self-determining agency, even if *Y* currently lacks the capacity to pursue them.

For example, *Y* might have previously signed a treaty by which it consented to receive help from certain parties but not others (say, former allies but not former enemies), or in certain forms but not others (say, through the institution of no-fly zones, but not through air raids), should military intervention on *Y*'s territory be necessary.²⁶ When this is the case, respect for *Y*'s self-determination counts as a reason against intervention by any of the parties *Y* refused to be helped by, or by any interveners that would employ methods that *Y* has previously objected to. Similarly, if military intervention, or military intervention of a certain kind, would be at odds with some of *Y*'s autonomously chosen goals (perhaps *Y* is a community of committed pacifists, or perhaps the members of *Y* aspire to realize the Millian/Walzerian ideal that a political community should earn its own freedom by fighting, rather than having its freedom handed to it by someone else), respect for *Y*'s self-determination would count as a reason, though not necessarily a decisive reason, against intervention.

The problem with Buchanan's account is that it focuses on respect for actual consent, given at the time of intervention, as the only way to discharge the duty to respect *Y*'s political self-determination. This account, however, is too narrow because, as we have seen, we can also respect *Y*'s political self-determination by respecting

- a. its *past consent*, i.e., by treating *Y* in the way *Y* previously asked to be treated (by giving or refusing to give actual consent), should the current conditions materialize, and
- b. its *presumed consent*, i.e., by treating *Y* as we can reasonably expect *Y* to want to be treated in light of its values and preferences.²⁷

26 For example, with the Treaty of Guarantee, signed in 1960, Cyprus authorized Greece, Turkey, and the UK to intervene in its territory, should that become necessary to restore the status quo established by the treaty.

27 Interestingly, Buchanan elsewhere considers the possibility of resorting to past consent. See Buchanan and Keohane, "Precommitment Regimes for Intervention." On past consent, see

Thus, while Buchanan is right that humanitarian intervention cannot be conditional on *Y* consenting to it at the time of intervention, if *Y* is unable to formulate or communicate consent at that time, the permissibility of intervention is nonetheless conditional on it being compatible with *Y*'s right to self-determination understood more broadly along the lines I have suggested. Even if *Y* lacks the capacity to exercise its group agency at the time of the intervention, or to communicate its decision to consent, its right to self-determination can be violated if the intervention goes against previous decisions autonomously made by *Y* or against what we can reasonably presume *Y* to will in light of previous exercises of its political self-determination.²⁸

Stressing these further dimensions of political self-determination is important, not only because it provides a more nuanced account of the constraints that this notion places on intervention, but also because it enables us to address the two worries raised by Buchanan in relation to the reliability of actual consent, given at the time of intervention, as an epistemic proxy for what *Y*'s population truly wants. Relying on past consent or presumed consent is the best way to ensure that intervention respects the autonomous preferences of *Y*'s population when its actual consent cannot be secured at the time of the intervention, either because the regime prevents any reliable way to express it or because the ARL's efforts suggest that the validity of *Y*'s consent might be invalidated by coercion or manipulation.

Finally, focusing on the conceptual resources provided by the richer notion of political self-determination I have outlined enables us to revisit one of the most important insights of Buchanan's analysis—namely his conclusion that there might be circumstances in which the best way to respect *Y*'s political self-determination is to intervene early, without its consent, in order to establish the conditions under which *Y* can formulate and communicate valid consent without being subject to coercion or manipulation by the ARL. We can now see more clearly why this view, while tempting at first, fails to take seriously Walzer's claim that what is objectionable about intervention is that it removes from *Y*'s control the decision about whether to rise in arms.²⁹

True, the sort of intervention that Buchanan invokes is different from the one that Walzer discusses, insofar as it does not aim to take down the regime or even

Parfit, *On What Matters*, 1:195. On presumed consent see Fabre, *Cosmopolitan War*, 155; Lazar, "Authorization and the Morality of War."

28 I further develop this argument in my manuscript, "Revolution and Intervention." The previous paragraph draws on that paper.

29 Walzer, *Moral Standing of States*, 224. See also Finlay, "Reform Intervention and Democratic Revolution," 575.

simply to stop the human rights violations, but rather to place *Y* in a position to formulate and communicate its autonomous decision about whether to accept military help. Still, there is an important decision that is taken out of *Y*'s hands—namely whether *this* sort of intervention should take place. For this decision is based entirely on the intervener's assessment, rather than *Y*'s, of whether the good effect produced by the intervention (i.e., reducing the risk of coercion or manipulation by the ARL) is worth the costs imposed by it. This would not be the case however, if the decision to intervene was guided by respect for the broader notion of political self-determination I have outlined above. The intervener could then rely on *Y*'s past or presumed consent in deciding what to do. If the limited kind of intervention described by Buchanan was ruled out in light of *Y*'s previous autonomous decisions or in light of what we can reasonably presume *Y* to want in these circumstances, this would give the intervener some reasons, although not necessarily conclusive reasons, to refrain from intervening.

4. HOW POLITICAL SELF-DETERMINATION CONSTRAINS THE SCOPE OF INTERVENTION

So far, I have addressed Buchanan's answer to the question of the conditions under which military intervention to depose an authoritarian regime and bring back the conditions for political self-determination in a given political community would be permissible, despite the fact that consent from the community has not been secured. But Buchanan's more controversial thesis concerns what we might call the *scope* of humanitarian intervention, i.e., the goals that the intervening state may legitimately pursue once it has deposed the authoritarian regime.

Most writers on humanitarian intervention agree that the intervening party would be permitted to assist with the process of rebuilding the political institutions of the newly liberated country, preventing any threats that might afflict this process. Indeed, some have argued that the intervening party has a duty, rather than a mere liberty, to do so (in line with the Responsibility to Protect doctrine).³⁰ Buchanan argues that the scope of intervention is even broader, and includes the permission to "nullify the *democratic* constitutional choice of a newly liberated population, if that choice can reasonably be expected permanently to undercut the conditions for future exercises of the right of self-determination."³¹ Indeed, according to him, it is permissible not only to nullify the result of the democratic process, but also to "impose a particular form of democratic gov-

30 Pattison, *Humanitarian Intervention and the Responsibility to Protect*; Fabre, *Cosmopolitan War*, 187–92.

31 Buchanan, "Self-Determination, Revolution, and Intervention," 449.

ernment on a newly liberated population, if (as a contingent matter) it is the only feasible form of government that will ensure the conditions for the future exercises of the right of self-determination, and if the imposed political structure allows for the population, through constitutional means, later to discard it in favor of another one.”³²

This position will strike many as overly permissive, but I see the force of it. For like Buchanan, I believe that a plausible justification for humanitarian intervention must ultimately be grounded not only in the moral demand to prevent human rights violations, but also in the moral demand to protect the right of the community in question to exercise its political self-determination.³³ And like Buchanan, I also believe that political self-determination is ultimately grounded in the existence of a particular interaction between the members of the political community, which makes it apt to regard how the community acts as an expression of its collective agency, rather than as an aggregation of instances of individual agency. Thus, I share his concern for the importance of protecting the conditions under which this interaction can take place.³⁴ However, I believe we should resist Buchanan’s conclusion that a particular form of democratic government may be permissibly imposed on the newly liberated population if the constitutional arrangement they have chosen undermines the conditions for future exercises of the right to political self-determination by other members of the same community.

To see why, consider again the nature of political self-determination. We have seen that political self-determination requires the existence of a particular relationship between the agency of the political community and the agency of its individual members. The members of the community must interact in a certain way so that it makes sense to regard how the group acts as an expression of the unified agency of the community. And it makes sense to do so insofar as the way in which the group acts somehow bears the mark of the agency of its members, in virtue of the fact that they have engaged in the relevant sort of group agency. This

32 Buchanan, “Self-Determination, Revolution, and Intervention,” 449.

33 It is worth mentioning that this is a minority position in the most recent debate on humanitarian intervention, where many deny that political self-determination can place any significant constraint on intervention. According to philosophers like Fernando Tesón, Andrew Altman and Christopher Wellman, or Jeff McMahan, the only necessary condition for the permissibility of humanitarian intervention is the fulfillment of traditional *jus ad bellum* principles, particularly proportionality. Tesón, “The Liberal Case for Humanitarian Intervention,” 106–7; Altman and Wellman, *A Liberal Theory of International Justice*, 109; McMahan, “Humanitarian Intervention, Consent, and Proportionality,” 52.

34 I offer an account of how respect for political self-determination constrains the permissibility of humanitarian intervention and revolution in “Revolution and Intervention.”

is why respecting the choices of the group is ultimately a way of respecting the autonomous agency of the members of the community: the inputs that generate the conduct of the group are produced by its members *and only by its members*.³⁵

But things would change drastically if a third party were to impose a particular form of government. This imposition would undermine the process just described, as the members of the political community would have to determine the way in which they exercise their collective agency by responding to an alien input. And an extremely significant input indeed, since it shapes how the very basis of political life in the community in question is to be organized. When this is the case, the way in which the group acts no longer reflects what the political community has autonomously decided, because the process of collective deliberation is now shaped to a significant extent by the will of the intervening party.

To the extent that the functioning of the government constitutes the main framework within which the inputs of the members of the political community are combined, it is hard to see how the community in question could be genuinely self-determining in this condition. The way in which the community acts is now determined to a significant extent by an alien entity, since the very way in which the process of collective deliberation is structured has been decided by the intervening party, rather than by the community itself.

But what is the alternative in those cases where the form of government chosen by the intervening party would be the only one capable of ensuring the conditions for the future exercises of the right of self-determination of its members? Are we forced here to accept Buchanan's conclusion, if we value political self-determination? I do not think we are. In those cases, respecting political self-determination requires sacrificing the adoption of a system that would *ensure* that the right of self-determination not be restricted in the future for one that does not provide such assurance. The community in question should be given the chance to set up the institutions that it has autonomously chosen, around which its members can arrange their collective deliberation by interacting in the way required by the process of political self-determination; and it should be given this chance even if there is a risk that in the future its choice might lead it to violate some of its members' right to self-determination.

It would be ideal, of course, if the community selected a constitutional arrangement that ruled out this risk, and the intervening party is permitted to of-

35 I articulate my own formulation of this idea in two unpublished manuscripts: "Political Self-Determination and Wars of National Defence" and "Why Colonialism Is Wrong." In the former, I argue that we can regard the agency of a political community as an expression of the agency of its members, even if (a) typically only few members, if any, can make a difference as to how the community will act, and (b) the way in which the community acts does not align with the personal preferences of each member.

fer incentives to this end, including negative incentives, such as increased trade barriers. If these incentives are unsuccessful and if the risk that the chosen constitutional arrangement would lead to the permanent disenfranchisement of a minority is too high, I agree with Buchanan that intervention to nullify that constitutional decision might be permissible.³⁶ But even in that case, the intervening party would not be permitted to impose a new constitutional arrangement that has not been chosen by the political community in question. For any decision produced within that constitutional arrangement would not constitute the expression of the community's will. Rather it would be to a significant extent the expression of the will of the intervening party.³⁷

Here too the way in which we think about the value of personal self-determination supports my conclusion. Suppose that given his professed values, as well as his previous conduct, Alex is likely to choose a life of crime and harm others. We normally think that, while it is permissible to try and dissuade him from doing so, threaten him with hard treatment, and even physically constrain him (under certain conditions), we are not permitted to manipulate his deliberative process in a way that bypasses his autonomous agency. It would be impermissible, for example, to brainwash him, hypnotize him, or subject him to the "Ludovico technique," so that he will refrain from engaging in harmful conduct. This is a case in which respecting the autonomy of moral agents comes at a cost: the risk that Alex will go on and harm someone. While we may offer incentives to him, including the threat of inflicting significant harm, to prevent him from doing so (the criminal law offers negative incentives of this sort), we may not manipulate the way in which he autonomously deliberates. And this is true even if we assume (a) that those harmed by Alex will be unable to exercise their own personal self-determination, and (b) that it falls outside the scope of Alex's personal self-determination to act in a way that will undermine his victims' personal self-determination in this way.

The same holds for collective self-determination. Imposing a particular constitutional arrangement on a newly liberated country, as suggested by Buchanan,

36 This is because, like Buchanan ("Self-Determination, Revolution, and Intervention," 459, 462), I believe that there are limits to the right of self-determination of political communities. Disenfranchisement and serious forms of discrimination clearly fall outside the scope of how political communities are permitted to exercise their self-determination.

37 On the other hand, the intervening party is permitted, possibly required, to ensure that functioning institutions are created before leaving. Leaving too soon typically leads to unstable regimes and new humanitarian emergencies, which in turn require further military intervention. East Timor is a case in point. After the peacekeeping mission left in 2005, violence quickly resurfaced and a new intervention was needed only a year later. See Stromseth, Wippman, and Brooks, *Can Might Make Rights?*

would be a way of manipulating its autonomous agency. If we did that, the way in which the community deliberates and acts once the new political order is in place could no longer be considered a genuine expression of the way in which its members have exercised their agency as a political community; for a crucially important input in its exercise of collective agency would be generated by the intervening state. When this is the case, the self-determining agency of the community in question is undermined at its roots.

5. CONCLUSION

The question of the permissibility of military intervention in support of attempts to rebel against authoritarian regimes has a central role in any account of revolution, and yet the question has received scant attention in the contemporary debate. In his most recent work, Buchanan has begun to address this gap in the literature. Relying on a sophisticated account of the limits that political self-determination places on intervention, he has defended two controversial views. First, when the injustice suffered by a given political community is serious enough to undermine its capacity for group agency, nonconsensual military intervention does not violate the right to political self-determination of the community in question, and is thus permissible, provided that traditional *jus ad bellum* principles are fulfilled. Second, when intervention takes place, its aims need not be limited to overthrowing the unjust regime. The intervening party may employ military force to nullify the democratic constitutional choice of the newly liberated population and impose a particular form of democratic government, if this is necessary to guarantee the conditions for future exercises of the right of self-determination.

I have suggested that both views should be rejected. The first one should be rejected because respecting the right to political self-determination of political communities requires respecting not only their actual consent, but also their past consent and their presumed consent. Intervention might be incompatible with respecting the right to political self-determination of its intended beneficiaries, despite the fact that at the time of the intervention they lack the capacity to exercise their group agency, if it either goes against previous decisions they have autonomously made or goes against what we can reasonably expect them to want in light of goals and preferences they autonomously set for themselves.

The second view should be rejected because, in imposing a particular form of democratic government, the intervening party would be shaping the very way in which the newly liberated political community will exercise its collective deliberation. Because of this, the decisions taken by the new government will re-

flect, at least in part, the will of the intervening party instead of being a genuine expression of the will of its people. Taking this option off the table is the price to pay for taking seriously the capacity of political communities to act autonomously and be self-determining agents, the price to pay to truly respect their right to political self-determination.³⁸

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38 Thanks to Allen Buchanan and Laura Valentini for helpful comments.

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