

PART I

Non-Intervention



A Libertarian Defense of Non-Interventionism

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To go to war for an idea, if the war is aggressive, not defensive, is as criminal as to go to war for territory or revenue; for it is as little justifiable to force our ideas on other people, as to compel them to submit to our will in any other respect – John Stuart Mill (2006, 4)

The Russian invasion of Ukraine in February 2022 and the subsequent Western-supported proxy war reminds us of the continued threat of nuclear war. The fear of nuclear annihilation is not a bygone of an older era of a world dominated by two superpowers. It is an ever-present danger exacerbated by the temptation to meddle in the affairs of other countries. War, as Randolph Bourne notoriously remarked, “is the health of the state” (Bourne 1918). In times of war, the state can demand loyalty,

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expand its power, control the monetary system, and exercise dominion over its populace (Higgs 1987; Porter 1994; Rothbard 2009).

For many postwar American libertarians,¹ the more moral, legal, and strategic path for foreign policy is non-interventionism, the principle of avoiding “interference by a state or states in the external affairs of another state without its consent, or in its internal affairs without its consent” (Hodges 1915). This foreign policy approach is simultaneously a principle of international law, a political philosophy in American libertarianism and conservatism, and a strategy of foreign policy, most closely aligned with defensive realism. The onset of the Cold War prompted the Soviet Union and the United States to develop spheres of influence in an ideological struggle that involved overthrows, assassinations, and wars of attrition (Kinzer 2006; Johnston 2019; Malkasian 2004). The interventionist mindset has led to American involvement in foreign conflicts that are largely ancillary to the vital security interests of the United States (Hartig and Hathaway 2022; Shiffrinson 2022). And in the post-Cold War “unipolar moment” (Krauthammer 1990), the United States has misappropriated its global influence, spending trillions of dollars on wars in the Middle East and Africa (Nye 2004; Crawford 2021). The interventionist tendency has failed to ensure national security and even threatened American defensive capabilities (Mearsheimer 2014). Consequently, as this chapter argues, Rothbardian non-interventionism stands as the most just, legal, and strategically prudent foreign policy position.

NON-INTERVENTIONISM AND INTERVENTIONISM IN AMERICAN HISTORY

For postwar American libertarians, non-interventionism as an American foreign policy doctrine finds its origins in the rhetoric of the founding generation of the country (Paul 2007). Washington, Adams, and Jefferson believed peace to be the normal condition of society, making war a last resort and undertaken only in the case of defending the nation. These early leaders desired friendship with all nations and as much free trade as

¹ While many, if not most, postwar American libertarians are non-interventionists, there are a sizable minority of hawkish libertarians who defend liberal internationalism (see French 2013; van de Haar 2011; Van Staden and Woode-Smith 2022) and a much smaller camp promoting interstate federalism (see, for example, Christensen 2021; Deudney 2007; Ostrom 2008).

possible. In his Farewell Address in September 1796, Washington urged the nation to avoid becoming emotionally attached to any foreign nation, since that would increase the likelihood of getting involved in foreign wars that are unrelated to American interests. “The great rule of conduct for us in regard to foreign nations,” Washington wrote, “is, in extending our commercial relations, to have with them as little political connection as possible... [Because] Europe has a set of primary interests, which to us have none or a very remote relation” (Washington 26). Adams thought that the United States should be the “well-wisher to the freedom and independence of all... [and] the champion and vindicator only of her own” (Quoted in Hastedt 2023, 55). Further, Jefferson’s First Inaugural Address in 1801 called for “peace, commerce, and honest friendship with all nations, entangling alliances with none” (Thomas Jefferson 1801). This doctrine of non-entanglement gave the young United States the ability to choose when and where to use military force, notably in strict accordance with its interests.

Consequently, as Weinberg (1940) detailed, the early non-entanglement doctrine took on many distinct features. First, no entangling alliances. From 1788 to 1920, the United States refrained from joining any permanent alliance that would obstruct the ability of the country to act freely. Second, non-intervention. This policy forbade the United States from engaging in foreign conflicts as well as violating the external and internal sovereignty of other nations, notwithstanding defensive action. Third, non-interference and non-participation in European politics. This stipulation focused on the principle of non-intervention, applying it specifically to European affairs. While the Second Continental Congress allied with France to win the Revolutionary War, Washington declared neutrality in 1792, when France and Britain went to war, deciding that the 1778 treaty did not apply (Quinn 2009, 50–52). Fourth, avoidance of joint action. Any sort of multilateral diplomatic or administrative action was forbidden, as it involved “moral obligations, a pooling of interests, and responsibility for the partner’s acts” (Weinberg 1940, 543). Historian Charles Beard labeled this doctrine Continental Americanism:

A concentration of interest on the continental domain and on building here a civilization in many respects peculiar to American life and the potentials of American heritage. In concrete terms, the words mean non-intervention in the controversies and wars of Europe and Asia and resistance to the

intrusion of European or Asiatic powers, systems, and imperial ambitions into the western hemisphere [as threatening to our security]. (Quoted in Raico 2011)

The founding generation thus sought freedom of action and self-determination through the non-entanglement principle.

Gilbert (1944) argued that these early foreign policy principles have English influences. During the colonial period, American culture adopted English traditions of freedom and the rights of English subjects that began with the Magna Carta. The new Constitution, in addition, sought to restore the English notion of representation while removing the parts that enabled the tyranny of the Crown. These principles appeared in the pamphlets that circulated through the colonies prior to the American Revolution. Gilbert argued that the principles presented in them resemble the foreign policy disputes between the old Whigs and Tories, the latter advocating a bold and innovative approach to English foreign affairs: insulation from continental European squabbles (148). By doing so, the English could trade peacefully to disincentivize conflict. The roots of this idea are found in the 1730 Treaty of Seville, signed by Britain, France, and Spain: “A trading nation should avoid war if possible” (Quoted in Gilbert 1944, 143). These English intellectual developments quickly made their way to the colonies and became the foundation of Washington and Jefferson’s foreign policy outlook and had the potential to ensure lasting peace for the United States (157–160).

An outgrowth of this perspective was the 1823 Monroe Doctrine, a non-colonization declaration that sought to prevent European colonial impulses. It announced that the US would steer clear of involving itself in European affairs, including European colonies that had already existed in the Americas. But the US would view as a threat any new colonies that Europeans sought there. Monroe’s intent was to make a clean break with Europe rather than oblige the US to defend the entire Western Hemisphere: “In the wars of the European powers, in matters relating to themselves, we have never taken part, nor does it comport with our policy, so to do. It is only when our rights are invaded, or seriously menaced that we resent injuries, or make preparations for our defense” (Monroe 1823). Paradoxically, by helping along the demise of Spanish colonialism and increasing trade relations with South America, the United States sought fewer hostilities in the Western Hemisphere (Gilderhus 2006, 8).

Monroe intended this policy to prevent American entanglement with European affairs (Kaufman 2021, 48), but it did nothing to prevent American expansionary impulses on its own continent.

As the nineteenth century expression of American exceptionalism, Manifest Destiny inspired the US to annex Texas in 1845, obtain the Oregon Territory from the UK in 1846, and wage war with Mexico in 1846–8 to acquire present-day California, Nevada, Arizona, and parts of Utah and Colorado. From 1845 to 1848, the US added 1.2 million square miles, growing 64% (50–1). The Gadsden Purchase in 1854 completed the territorial expansion to the current contiguous borders of the country.

The spirit of Manifest Destiny expansionism did not end after the Mexican-American War. The US continued looking westward across the Pacific. Commodore Matthew Perry reached Japan in 1853, threatening military action to open the island country to trade. The US gained access to Japanese ports a year later, and they signed a trade treaty by 1856. Japan eventually signed similar deals with France, Britain, the Netherlands, and Russia. But it was American naval power projection that opened Japan to the West (Kaufman 2021, 54; Gilderhus 2006, 9). These new relations with Japan and the willingness to use coercive diplomacy to gain trade rights on behalf of American commercial interests, I argue, serve as a transition era when the US shifted its foreign policy goals from merely securing territory at home through the justification of divine providence to demanding concessions abroad using hard power. Establishing relations with Japan in the 1850s prepared the US to become more deeply engaged in East Asia at the turn of the century.

INTERVENTIONISM TAKES OVER: 1898-PRESENT

The US embraced foreign interventionism and the scramble for colonies beginning with the Spanish-American War in 1898 and the Philippine-American War that followed it in 1899–1902 (Johnstone 2011, 5). While the US still avoided entangling alliances, American leadership and the media justified war against Spain, using, at least partially, the Monroe Doctrine. As European colonies scrambled for colonies in Africa and Asia, the United States saw an opportunity to expand its own sphere of influence in the Western Hemisphere. Another justification was humanitarianism: Cuba, the excuse went, needed to be liberated from its Spanish oppressors (Mizokami 2021). After the war, the American

national interest transformed into one that required an ongoing military presence to protect its newly acquired colonies (Kaufman 2021, 56).

Embracing the United States' new imperial role in the world, President Theodore Roosevelt issued his Corollary to the Monroe Doctrine in 1904. It declared that the US would protect the Western Hemisphere with military force, should any country threaten American interests, which, as Roosevelt claimed, were "in reality identical [to those of] our southern neighbors" (Roosevelt 1904). Roosevelt gave military teeth to the doctrine. He admitted to his Secretary of State Elihu Root that for the US to remain aloof from European affairs meant that "sooner or later we must keep order ourselves" (Quoted in Gilderhus 2006, 11). Ricard (2006) argued that rather than fulfilling the Monroe Doctrine, the Roosevelt Corollary stood as its own belligerent policy, declaring that the US ought to be the lone policeman of the Americas. Roosevelt's "big stick" diplomacy, according to Ricard, perverted Monroe's original objective of defense over offense (17).

The Caribbean became a staging ground for Roosevelt's modification of the Monroe Doctrine. Instead of Europeans staking their claim in Latin America, it was the United States. Roosevelt played a hand in provoking a Panamanian revolt against Colombian rule in 1903 to guarantee rights to build the Panama Canal (Friedlander 1961). American intervention on behalf of Panama's rebellion against existing Colombian rulers made building the canal possible. The success of that rebellion allowed the United States to acquire the land through which the Americans built the canal. William Howard Taft continued his predecessor's policies in the Caribbean, using military force to protect business interests in Nicaragua, Honduras, and Cuba from 1910 to 1912. A small contingent of American troops stayed in Nicaragua until 1925 (Kaufman 2021, 60).

Woodrow Wilson notoriously abandoned his neutrality stance and propelled the United States into World War I, a mere month after his second inauguration that was made possible by his campaign slogan that he kept America out of the war. Even before Wilson hurled the US into European total war, he sent the military to occupy the Dominican Republic, establish a protectorate over Nicaragua, and intervene in Haiti (Raico 2010, 19). Under the rhetoric of freedom, rights, and sovereignty, Wilson justified these operations under a broadened definition of American national interest to include making countries "safe for democracy" (Smith 2012, 71). By the end of his Presidency, Wilson had sent troops to Russia (to attempt to commandeer the Russian Revolution) and six

different Latin American countries, in addition to U.S. involvement in World War I (Kaufman 2021, 66). Eminent historian of American foreign relations Walter LaFeber (1989) labeled Wilson the “greatest military interventionist in U.S. history” (261).

American victory in World War I propelled the U.S. into the class of major powers in the world. But the popular will at home prevented full-scale American internationalism after the war. Staunchly opposed to the Treaty of Versailles, the “Irreconcilables” in the U.S. Senate succeeded in preventing the US from joining the League of Nations. William Borah, George Norris, and Hiram Johnson objected specifically to Article 10, the collective defense clause in the treaty, seeking greater retrenchment in American foreign policy (Adler 1957, 201). The devastation of World War I left Americans disillusioned about the role of the United States in European politics, and the Irreconcilables defeated the treaty with a 35–55 vote (LaFeber 1989, 311).

While the American public refused to assent to the postwar treaty and sought a more inward-looking foreign policy in the interwar years—President Harding’s “return to normalcy”—the United States did take a dominant, but still independent, position in many international agreements (Kaufman 2021, 68). The Washington Conference of 1921–1922 disarmed major powers. The Dawes Plan restructured German reparations debt from World War I. And in 1928, the US signed the Kellogg-Briand Pact with fourteen other countries, attempting to outlaw war. As with many international agreements, the burden of compliance fell to signatories of the agreement, rendering the Pact a mere aspirational act rather than a fully enforceable global edict (Adler 1957, 213–15). These diplomatic maneuvers attempted to preclude the United States from involving itself in European affairs once again.

As European war reignited in the late 1930s, the American public and Congress again demanded neutrality. Toward this purpose, Congress passed the Neutrality Acts in 1936–7, which, among other requirements, prevented arms trading with belligerent countries and stipulated that Americans could not board naval vessels flying the flags of warring nations (Office of the Historian). Gradually in the late 1930s, however, neutrality became increasingly elastic, and war pulled the United States in.

From the founding of the country through World War II, the U.S.’s foreign policy outlook changed dramatically. Manfred Jonas argued that the main reason for the non-interventionist outlook from the beginning was “to safeguard the independence of a new and weak nation by

avoiding, whenever possible, involvement in the military and political affairs of the major powers” (Quoted in Johnstone 2011, 4). Relative geographic isolation from Europe gave the United States essentially free security from European powers. The nineteenth century saw expansionism Westward, involving war with Mexico midcentury. The U.S. joined in the quest for colonies at the turn of the twentieth century, continuing to build upon precedent to justify further interventions. In the so-called isolationist interwar period after World War I, the United States joined international agreements with foreign powers to lessen the likelihood of future war. And a majority of Senators did seek to join some sort of hypothetical collective security organization, just not the League of Nations (Ibid., 3). Ultimately, the U.S. bound its hands with its cash-and-carry and lend-lease programs, making it increasingly difficult to back out of involvement in yet another European war. By the end of 1945, the United States found itself in an advantageous position to influence the postwar international order.

Technological advance and a seemingly shrinking globe enabled the United States to ramp up its quest for primacy in the international system after World War II. Postwar foreign policy abandoned any lingering doubts about a deeply entrenched and interventionist regime. Cold War, nuclear weapons, and Soviet communism gave American leaders ample reason to expand the reach of American foreign policy, a feature of the global security apparatus that continues to this day both inside and outside of the confines of international law.

THE DOCTRINE IN INTERNATIONAL LAW

Development of the Legal Philosophy

Non-interventionism is a principle in international law, finding its origins in the international order established by the Peace of Westphalia in 1648 (Jamnejad and Wood 2009, 5).

Philosophers and publicists like Wolff, Vattel, Kant, Cobden, and Mill solidified the principle in their writings. Wolff (1764) wrote that “To interfere in the government of another, in whatever way indeed that may be done is opposed to the natural liberty of nations, by virtue of which one nation is altogether independent of the will of other nations in its actions” (Thomas and Van Wynen 1956, 5). States have a right to be left alone, despite the potential superior power of another state.

In Wolff's estimation, "might confers no right" (Ibid.). Similarly, Vattel (1758) saw no right in any foreign power to interfere. "To intermeddle in the domestic affairs of another Nation or to undertake to constrain its councils is to do it an injury," Vattel wrote (Quoted in Ibid.). Both Wolff and Vattel saw a state's sovereignty as more or less absolute.

Immanuel Kant's *Toward Perpetual Peace* (1795) demanded that "no state shall violently interfere with the constitution or government of another" (Kant 1795, 112–13). For Kant, the only exception to this rule occurs under the state of civil war. If one state has broken into civil war, and each side of the struggle has competing claims to the centralized authority, then other states can support one side or the other to bring order to a warring state. The point at which interference would be acceptable is not clear: "internal dissension" must reach some "critical point" of violence. Otherwise, "such interference by foreign powers would infringe on the rights of an independent people struggling with its internal ills" (13). Kant, however, understood the problem of authority in such a situation. As the international system operates under the condition of anarchy, no central authority could legitimately grant such an interference. This problem lessens as the number of democracies increases. He believed peace could be maintained when democracy became the universal form of government.

Richard Cobden looked to commerce as the peace-building instrument, rather than regime type. States that traded with each other would disincentivize war, echoing the quip often attributed to nineteenth century French economist Frederic Bastiat, "when goods don't cross borders, soldiers will" (Snow 2010). For Cobden, there was no exception to the non-interventionist standard: "I am against any interference by the government of any country in the affairs of another nation, even if it is confined to moral suasion" (Quoted in Vincent 1974, 46). Cobden denounced situations when states attempted to justify their military endeavors through moral intentions. "People which wants a saviour," he added, "which does not possess an earnest and pledge of freedom in its own heart, is not ready to be free" (Ibid.). Cobden implies that the struggle for freedom must be accomplished internally.

In a similar vein, Mill opposed intervention in support of emancipation from tyrannical rule. The people will be better off, he noted, if they "are left to work out their own salvation" (Quoted in Heraclides and Diallya 2016, 9). Even if intervening on behalf of a foreign people could be justified, Mill argues, there is no guarantee that "even if successful, [it] would

be for the good of the people themselves” (Mill 2006, 262). A population must be willing to fight for themselves for any likelihood of success to be achieved in the longer term. “If they have not sufficient love of liberty to be able to wrest it from merely domestic oppressors,” Mill adds, “the liberty which is bestowed on them by other hands than their own, will have nothing real, nothing permanent” (Mill 2006, 262). The people need to want liberation and to be able to maintain it. “If a people... does not value it sufficiently to fight for it and maintain it against any force which can be mustered... it is only a question in how few years or months that people will be enslaved” (Ibid.). The struggle, for Mill, enables a population to persist against tyranny, rather than an outside force: “Men become attached to that which they have long fought for and made sacrifices for; they learned to appreciate that on which their thoughts have been much engaged” (Ibid.). For the best chances of success, revolutions therefore must be internally developed and carried out.

Mill does not entirely cast off any form of intervention as illegitimate. The case of a population fighting “against a foreign yoke, or against a native tyranny upheld by foreign arms,” is one instance where intervention can be justified (Ibid., 263). Foreign governments can be a source of stability in the case of a “protracted civil war, in which the contending parties are so equally balanced that there is no probability of a speedy issue” (261). States can intervene with the goal of bringing the two sides together to work out “equitable terms of compromise” (Ibid.). Mill also steadfastly supported the British empire, particularly in India, to protect legal rights. Tunick (2006) labels this advocacy “tolerant imperialism.” Aside from these exceptions, Mill joins Kant and Cobden as general non-interventionists, and form a foundation on which international law constructed the principle of non-intervention (See also Beaumont and Li 2022).

NON-INTERVENTIONISM AS PRINCIPLE AND LAW

International law tends to focus on the state, rather than the individual, as the primary actor. Accordingly, analysis of interventionism and non-interventionism in international law focuses on the actions of states. Most state actions will have at least some effect on other states. One might argue that diplomatic talks that focus on some third state that is not party to the talks could amount to a kind of an intervention. Or a state failing to take an interest in the economic collapse or humanitarian disaster

unfolding in a neighboring state might be said to be a sort of negative intervention. As a result of these gray areas in between intervention and non-intervention, international law jurists have no common definition of intervention and non-intervention.

Murray Rothbard, however, offers a superior elaboration on the proper role of the state in international relations in “War, Peace, and the State” (1963). Rothbard’s analysis is the extension of the non-aggression principle to the state level. At the individual level, no person may initiate force against another’s person or property. Even though states exist as entities that monopolize the legitimate use of violence within their territory, readily use violence within their borders, and are fundamentally unjust, according to Rothbard, internationally, non-intervention similarly means that no state may initiate force outwardly against non-aggressors. Likewise, force may only be used defensively. If State A violates the territorial integrity of State B uninvited, State B has the right to use violence to repel the incursion only in proportion to the initial violation. All other instances of intervention are mere applications of this principle (Rothbard 1963).

The most observable of these instances is war. War is an outbreak of violence among states, which can include non-state actors or groups. Wars being for a variety of reasons, the guilt for which can often laid at the feet of any number of states in a conflict. Regardless, the goal of the non-interventionist is to reduce the cost—in lives, property, and value—on innocent civilians as much as possible. He must condemn any state participation in war and to pressure all sides in the conflict to end the fighting as soon as it breaks out. Ideally, pressure on governments should be made early to prevent states from initiating the conflict in the first place. If war does commence among two or more parties, it is the duty of the non-interventionist to pressure his own government to remain neutral in the war. Neutrality helps to ensure that civilians remain outside of the scope of military action, as the traditional laws of war dictate. Modern warfare, however, has accepted a degree of civilian deaths as either “collateral damage” or population centers have been directly targeted to destroy the will of a nation in continuing with the war. This sort of strategic bombing became a popular strategic tool beginning with World War II and clearly violates the principles of non-aggression principle and Rothbardian non-interventionism (Rothbard 1963, 7).

While international law regarding interventionism and non-interventionism often comes to the same legal conclusions as the Rothbardian definition, Rothbard’s exposition can be traced back to in

first principles: the non-aggression principle. International law's central focus on states and its creation through collective agreement in international governmental organizations often makes it difficult to come to the correct legal conclusion in questionable instances of intervention, leaving some unnecessary gray areas, whereas Rothbardian analysis can help clarify.

SELF-DEFENSE

Self-defense is among those justifiable cases of intervention in international law, when the illegal use of force has been made or is about to be made imminently. States, like individuals, who face an imminent threat, have no luxury time to wait for the action of an appropriate law enforcement authority, if one exists at all, particularly at the global level (Thomas and Van Wynen 1956, 79).

They use self-help to repel attack. But there is a time limit to the legal use of self-defense. US Secretary of State Daniel Webster developed the elements of legal self-defense in the case of the *Steamer Caroline* (1842), noting that legality relies on cases in which the need for reactive force are “instant [and] overwhelming, leaving no choice of means and no moment of deliberation” (Quoted in *Ibid.*, 80). In addition, the action taken in response to the first illegal use of force should be “nothing unreasonable or excessive, since the act justified by the necessity of self-defense must be limited by that necessity and kept clearly within it” (*Ibid.*). The repelling action must be proportionate to the force used in the attack against only those perpetrating the threat or actual attack, regardless if it was a state or non-state actor. Given these stipulations, Iraqis taking up arms against an invading American military in 2003 were well within the parameters of legal self-defense.

Still, the self-defense argument does not mean that, in repelling the invasion, the state gets to kill innocent civilians in the attacking country. Even in the rare clear-cut case where a state seeks out violence to protect the property of one of its citizens as the result of a foreign attack on the property domestically or the theft or destruction of property in another country, no state has a claim to the territory or citizens of another state. It is true that a state has the monopoly of violence within its territory, but not over any other territory. As Rothbard notes, “if an inhabitant of country A should move to or invest in country B, the libertarian must argue that he thereby takes his chances with the State-monopolist of

country B, and it would be immoral and criminal for State A to tax people in country A and kill numerous innocents in country B in order to defend the property of the traveler or investor” (1963, 7). Pundits often spoke of the War in Afghanistan as the “good war,” since the ostensible goal was to seek retribution for the property damage and loss of life from the terrorist attacks of September 11, 2001 (Fairweather 2014; Malkasian 2020). But the 2375 Afghan civilians who died as a result of the initial American invasion (Saif 2021) had no less a right to non-aggression than the average American on September 11, 2001. The proper role of the U.S. government would have been to seek out legitimate justice through the arrest and criminal prosecution of the perpetrators.

Related to the justification of self-defense is self-preservation, the supposed right to use force against states who violate the vital national interests of a state. Vital interests do not constitute a legitimate claim to use violence against another state, as if the homeland were being attacked illegally or was in imminent danger of being so. But this illegality has not stopped states from invoking self-preservation to intervene. The Monroe Doctrine exemplifies self-preservation, as it claimed the Western Hemisphere as its vital interest. In the 1820s, the United States perceived European establishment of new colonies in the hemisphere as a direct threat to American interests. The doctrine held no legal standing, but it became the foundation for American unilateral foreign policy for the next century (Ibid., 6). Under the Rothbardian definition, no state has the right to claim any “interest” or resource that is not already in its rightfully acquired possession, just as no person has the right to claim the property of someone else just because it might benefit him economically or for security purposes.

CIVIL STRIFE

A condition of civil strife exists when two or more factions within a state take up arms against each other or against the government to gain power in the state. Unless the violence spills over into a neighboring state—at which point the neighboring state would have recourse to self-defense—the matter is domestic. Either two sides are fighting each other for the right to govern as they please or a government is suppressing an illegal insurrection. In both cases, no state has the legal right to intervene to quell the civil strife. Both sides would need to request the intervention

of a third state or intergovernmental organization, such as the United Nations (Ibid., 216–20).

Outside support for terrorist or insurgent groups is likewise illegal. The Friendly Relations Declaration states three prohibitions for states. First, each state is prohibited from aiding armed forces, such as mercenaries, in violating the territorial integrity of another state. Second, each state is prohibited from aiding in actual or potential civil strife or acts of terrorism in another state. Third, each state is prohibited from supporting activities geared toward overthrowing another state's regime or otherwise interfering in the civil strife of another state (Jamnejad and Wood 2009, 361). The Friendly Relations Declaration also imposes a positive obligation of states to search out such violent groups when the state is aware of their presence within its territory.

More recently, the United Nations has addressed the emerging norm of humanitarian intervention under the banner "responsibility to protect" (R2P). The principle emerged in the 1980s and 1990s as a possible legitimate abrogation of the doctrine of state sovereignty where human rights atrocities were ongoing or imminent. The international community took steps to protect the Kurds in northern Iraq in 1991, Shia Muslims in southern Iraq in 1992, and the Kosovar Albanians in 1999. United Nations member states endorsed the R2P at the 2005 World Summit as a political commitment to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. No treaty supports the norm as law, and it is ripe for criticism as a principle that can be easily invoked to justify intervention in states where the political dynamics are not to the liking of more powerful and influential states (Ibid., 360).

Rothbardian non-interventionism would reject R2P, as no other state could claim to be the victim. According to Rothbard, all states violate the non-aggression principle by virtue of ruling over their populace. Logically, all states are at all times guilty of human rights violations to a degree and would be always susceptible to foreign intervention in the name of the Responsibility to Protect. While Rothbard by no means accepts the existence of the state as legitimate, it is the primary unit of analysis for international relations and must be taken as a given in the current state of affairs in the world. He stated, "The libertarian is interested in reducing as much as possible the area of State aggression against all private individuals. The only way to do this, in international affairs, is for the people of each country to pressure their own State to confine its activities to the area which it monopolizes and not to aggress against other State-monopolists"

(1963). The Responsibility to Protect opens a pandora's box where intervention can beget further intervention in the name of preventing some alleged abuse that in the end pales in comparison to the remedy.

Rothbard does not, however, argue that state atrocities on their own citizens or an invasion of another country should be accepted as inevitable. The proper and legitimate channels for redress are quick negotiations to end the bloodshed, pressuring the state to end its onslaught in the name of justice, or engaging in revolutionary uprisings within the country, possibly with the help of private individuals or groups in the form of equipment, personnel, or financial aid to end the oppression or invasion (1963, 9). The Russo-Ukrainian War, which ensued after Russia's invasion in February 2022, saw private donations in excess of \$1.2 billion and foreign volunteer fighters joining the Ukrainian resistance (Beaty 2023; Horton et al. 2022). The United States government also provided over \$100 billion in direct aid and weapons (Beaty 2023). In 1990–1991, a coalition of states sent weapons, military personnel, and money on behalf of their citizens during the Gulf War in response to the Iraqi invasion of Kuwait. To the lay observer, aid is aid, whether it comes from the state or a private individual. But private money is justly earned through providing goods and services on the market. State money is extorted from its citizens and redistributed toward the war effort, both in the case of the Gulf War and in the case of the Russo-Ukrainian War.

In addition, a purpose of government-to-government foreign aid is largely to keep the existing regime in power by helping reelection bids and increasing living standards for its citizens. Aid recipients can also use the cash to brutally suppress their populations, finding ways around any strings-attached that the donor country places on the aid. The most notorious of actions takes the form of economic sanctions. These can be embargoes on trade with certain states or firms, blocking financial access for states and individuals, or other economic hardships intended to change policy or the regime itself (Damrosch 1989, 28–9). Any form of foreign aid, sanction, or embargo ought to be denounced as illegitimate. Rothbard noted, “Any aid given by State A to State B (1) increases tax aggression against the people of country A and (2) aggravates the suppression by State B of its own people” (Rothbard 1963, 8).

Both positive and negative tools need to reckon with the political independence of sovereign states. The Friendly Relations Declaration notes that each state has the “right to freely choose and develop its political, social, economic and cultural systems” (Friendly Relations Declaration

1970). It also expressly prohibits unilateral economic measures: “No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from its advantages of any kind” (Ibid.). In 1973, many Arab states used production reductions of up to 25% to attempt to get Israel to change its policies on Palestine and to induce other countries to reverse course in their relations with Israel. The focus here is whether this action constituted coercion. The *Nicaragua* ICJ case provides some clarity, saying that a total trade embargo does not constitute illegal economic intervention because there is no “subordination of sovereign will” (Jamnejad and Wood 2009, 371). Therefore, a coordinated and drastic drop in oil production is just as well allowable under the non-intervention principle.

NON-FORCIBLE POLITICAL SUPPORT

Interference that falls in a grayer area between legal and illegal intervention is where force is not necessarily present in influencing another state’s internal politics. Non-forcible intervention can take the form of economic aid for political movements, parties, or candidates. For example, the United States funded French and Italian Christian Democratic parties beginning in the late 1940s and parties opposed to the Allende government in Chile in the 1960s and 1970s (Damrosch 1989, 14). The Church Committee, which investigated American covert operations, found that US “[f]inancial support was provided to parties, candidates, and incumbent leaders of almost every political persuasion, except the extreme right and left” (Quoted in Ibid.). In addition, the United States uses external organs in a more overt manner too, notably through non-governmental organizations like the National Endowment for Democracy. The publicly funded NED was created in 1983 to aid democracies in carrying out their elections in a timely and fair manner, while cooperating with various ostensibly democratic factions within host countries. It provides grant money for programs that support election monitoring, polling, media access, voter registration, and civic education (19). The Friendly Relations Declarations leaves this matter of transnational electoral assistance unaddressed.

Sometimes, external influence takes the form of active support and funding for insurrectionary groups who still operate under the banner of a political party. This type of support for regime change violates

the non-intervention principle. But support for political factions within the host state that uses coercion to maintain the ruling party in power could be said to be in line with the non-intervention principle, since the host government invited the support from abroad. Naturally, timing is everything. Support or funding given in the immediate days or weeks prior to an election is more influential than earlier in the campaign cycle. Enough states saw transnational political support as a problem that the United Nations General Assembly adopted nine resolutions between 1989 and 2001 denouncing electoral interference. Still, the gray area of outside electoral funding support for political ends remains a gray area in international law (Jamnejad and Wood 2009, 369).

SOME EXCEPTIONS

Notwithstanding the above qualifications, there are three broad circumstances that make otherwise illegal action legal under international law: UN authorization, consent, and countermeasures. When the UN Security Council recognizes a threat to international peace and security, it can authorize states to intervene using sanctions, military force, or other forcible measures. For example, the Security Council authorized sanctions against Sierra Leone in 1997, finding that the junta government's failure to restore constitutional democracy in the country amounted to a threat to international peace and security. Under normal circumstances and absent UNSC authorization, sanctions would violate the doctrine of non-intervention (*Ibid.*, 378). For example, a collective of states as the "international community" could decide outside of any international organization to intervene in another state. Simple agreement among states does not in itself constitute legal intervention. The legality of collective action would be the same as an individual state acting on its own behalf. When this collective acts within a juridical body such as the UNSC to enforce treaty obligations, then intervention can be legal. Thomas and Van Wynen (1956) note that "[w]here a violation of legal rights occurs, general international law authorizes the individual members of the international community to take sanctions to uphold the law against the state which is responsible for the violation. Such sanctions may be peaceful or nonpeaceful, and may even amount to war" (2). In addition, intervention by a third party for a redress of illegal action on another state can be legal where the force threatens the peace and order of the international community (14). Clearly, within the Rothbardian construction

of non-intervention, collective security is illegitimate. Rothbard argued in a footnote in *War, Peace, and the State*, “collective security forces a maximum escalation of every local war into a worldwide war—the precise reversal of the libertarian objective of reducing the scope of any war as much as possible” (1963, 7). It also grants a territorial right to a state or a group of states over which it has no legitimate right.

The second exception to the non-intervention standard in international law is under the condition of consent of the intervened state. While intervention on behalf of a rebellious group fighting against the reigning government is unlawful, intervention on behalf of the government during a civil war is less clear. Jamnejad and Wood (2009) reason that since the threshold for qualifying as intervention is the “subordination of the sovereign will,” then any action made with a state’s consent is merely an “expression, not subordination, of its will” (378). Similarly, the dispute resolution mechanisms in intergovernmental organizations can authorize sanctions or other penalties if a state fails to live up to its obligations within the institution. These are not considered interventions since the state voluntarily entered into the organization and thereby consented to any penalties it might incur as a treaty obligation, as in the case of membership in the UN. Should the violating state remove itself from the treaty, then any subsequent intervention would be illegal (Thomas and Van Wynen 1956, 96). As noted above, treaty or no treaty, a state has no right to the territory of another state within the Rothbardian model.

The third exception is countermeasures. Countermeasures are non-forcible reprisals in response to an earlier illegal act by another state. They occur after the immediate time period in which self-defense might be a legitimate response. Articles 49 and 51 of the International Law

Commission’s Articles on State Responsibility outlines the appropriateness of countermeasures: “An injured State may only take countermeasures against a State which is responsible for an internationally wrongful act in order to induce that State to comply with its [international] obligations...” (Quoted in Jamnejad and Wood 2009, 380). The *Nicaragua* case clarified the role of countermeasures as they pertain to an intervention, ruling that countermeasures cannot be taken by a third party to a conflict. They must be carried out by a harmed party: “while an armed attack would give rise to an entitlement to collective self-defence, a use of force of a lesser degree of gravity cannot... produce any entitlement to take collective counter-measures involving the use of force” (Quoted

Jamnejad and Wood 2009, 379). A reprisal must be non-forcible and in proportion to the original illegal act.

Reprisals reveal a fundamental defect in the logic of international law: states do not have rights, individuals do. Yet, international law often sees states as the fundamental actor in international relations. Economic sanctions, regardless of the reasons for their use, place a disproportionate burden on innocent civilians, who often bear little culpability for their state's delinquency in the international arena. While documents like the Universal Declaration of Human Rights and norms like the Responsibility to Protect ostensibly provide for human rights protections, states instead of individuals remain the focus. But states cannot effectively represent the collective and disparate interests of their inhabitants. States are not individuals, and do not act in the real way humans do. Accordingly, international law can only go so far to analyze the ethics of interventionism through a state-centric framework. Rothbardian non-interventionism, however, with its focus on individual rights rather than state rights, fills the gaps in the ethical formulation of non-interventionism. Despite the gray areas of international law and regardless of the definition and the source of law, both Rothbardian libertarianism based on the non-aggression principle and positive international law agree that interventionism is illegal and unethical.

ALTERNATIVE FOREIGN POLICIES

In addition to the legal and ethical aspects of non-interventionism, it can also be described through the lens of the foreign policy perspective of defensive realism. International relations theory seeks to understand how states interact with each other. Among the most visible theories is realism, which focuses on international anarchy to explain state behavior. According to realists, without an overarching global government to constrain state action, states pursue security above all other concerns. Because of this focus on national interests, states can only rely on themselves to protect their national interests, a principle known as self-help.

While IR theory offers theories about how the world works, by themselves, they do not offer policy prescriptions. They are mere lenses through which to view world events. Theorists, however, can use these lenses to deduce optimal foreign policy positions. Realists often divide

themselves into two camps: offensive realists and defensive realists. Offensive realism argues that international anarchy among states creates a situation in which an ideal policy entails continuously seeking opportunities to improve relative power against other states. By optimizing its strengths to make up for its weaknesses in capabilities, a state can best ensure its survival.

This means that a state must act aggressively to protect its vital interests, risking disrupting international peace and order in the name of self-preservation (GP Editor 2021).

Defensive realism sees this foreign policy strategy as misguided and likely to backfire. Instead, states should enact foreign policies of restraint to avoid provoking other countries into belligerence. Pursuing policies of expansionism and aggression creates headaches that increase costs and decrease benefits. Occupation creates hostility among the local populations, making any newly acquired assets, property, or capabilities liable to sabotage. And unprovoked aggression breeds resentment not only from the receivers of the aggression, but from the international community at large. The United States learned this lesson through its numerous theatres of the War on Terror. The US came away with a depleted stock of soft power and global influence that it had earned in winning the Cold War at a hefty price tag of \$8 trillion (Watson Institute 2021). For defensive realists, deep engagement in the world simply is not worth the cost.

Defensive realism is not necessarily a purely non-interventionist position. It can mean that states take interventionist actions to maintain their relative positions in the world. For example, Barry Posen (2014) describes an American grand strategy of restraint as tackling only a few threats at time “with subtlety and moderation,” reducing the US military footprint around the world and avoiding nation building (xii, 14). At the same time, Posen argues that the US can still provide global public goods through “command of the commons,” a maritime military strategy to “preserve U.S. influence in Eurasia and to address new security threats that lie outside the realm of traditional geopolitical analysis, and to do so at the least political, military, and economic costs” (135). This policy of restraint seeks to preserve military access to the rest of the world.

At the end of the Cold War, Ted Galen Carpenter proposed what is probably the closest foreign policy to a non-interventionist ideal in what he calls “strategic independence” (Carpenter 1995). Strategic independence means that the US would use military force only to protect strictly defined vital national interests. Four main principles underscore

this approach: the United States would refuse to commit troops for UN peacekeeping operations and reduce its financial contribution to the United Nations; Cold War-era alliances would be dismantled; the US would refuse to be the policeman of the world, either alone or in tandem with other countries or international governmental organizations; and, the US would retreat to a “balancer of last resort” position in the international system (Carpenter 1995, 7).

In aligning with these baselines, according to Carpenter, the US should engage in a program of burden-shedding, leading to a “gradual but complete devolution of responsibility to America’s allies for the defense of their respective regions” (Carpenter 1992, 5). At the same time, the US can maintain its cultural, diplomatic, and economic relations with nations of the world. The American military can remain large and powerful, to act when legitimately called to, but that force would remain idle until that time arrives. This foreign policy prescription is a much more sustainable, less expensive, and less vulnerable option that reduces the ability of the US to unintentionally provoke or signal threats to would-be aggressors around the world.

An alternative to non-interventionism sees the US’s role in the world as the predominant power in the world, able to use military power to impose its political will on the globe. The United States won the cold war, and it should use these gains to shape the world into one that benefits the United States. What benefits the United States benefits the world. This unipolar hegemonic perspective holds that the United States should aid allies with money and weapons because their security increases American security, which is broadly defined. In this position, the United States plays the role of global policeman and guarantor of global public goods, such as keeping sea lanes secure and intervening in military conflicts in the name of global security. This foreign policy largely characterizes the current foreign policy consensus in Washington (Layne 2009).

This foreign policy orientation stands in contrast to the principle of non-aggression, where the United States can intervene in another country for vague reasons of protecting global security. While global threats exist, the United States does not need to quell all of them in every part of the world. Superpower status does not confer upon the United States total power. The post-9/11 wars saw the limits to American power, as Iraq destabilized and Afghan insurgents chased the American military out of the country after twenty years of attempting to export democracy to the country (Rohde 2013; Cabral 2023). The money spent, lives lost, and

soft power diminished may in the coming decade spell the decline of the United States as sole global hegemon.

Another alternative views the United States as an ordinary state in the world rather than hegemon. Under this model, the United States can no longer be viewed in the light of American exceptionalism or as the preeminent military and economic power in the world. The U.S. enjoyed superpower status along with the Soviet Union and later by itself, managing alliances and deterring potential aggressors around the world. But that time is over, and as the world becomes ever more complex and integrated, foreign policy problems will require dynamism and flexibility. This orientation requires narrowly defined national interests that will require a lighter commitment to formal alliances. The United States still would not seek out unilateral military action. Should there be a legitimate need for the use of force in defense, reliance on collective security organizations to provide multilateral support would suffice. Gone are the days of bearing the full burden of global security and seeing the United States as the shining city on a hill. It is an ordinary state in this foreign policy model, a state that relies on multilateral solutions to international problems.

While this perspective is a toned-down foreign policy outlook to the hegemonic model, reliance on collective security to deal with global security problems still violates the non-aggression principle. Simply because a group of states—which have the monopoly on violence within their territories—get together to decide as a collective to intervene in a part of the world does not give the international organization the right to aggress against peaceful individuals who happen to reside in a state whose government has threatened another. In the Russo-Ukrainian War, the international community, working through the United Nations, NATO, and the European Union banded together to implement a harsh sanctions program against Russia (Blinken 2023). The millions of innocent civilians are suffering higher prices and shortages of consumer goods because of the actions of the government that is using the state apparatus to violate the territorial integrity of another state (Faiola and Ilyushina 2022). This

example embodies this ordinary state model and the reliance on the harsh and repressive tools of collective security.²

A third alternative foreign policy model seeks a middle way between the deep embeddedness of the post-WWII era and non-interventionism. This doctrine understands that the United States cannot address all of the world's problems and that it must select which to devote its attention and resources. It also understands that the US national interest does not equate to the global interest and that moderation in military force and threats is the more pragmatic strategy for achieving realizable foreign policy objectives. George H.W. Bush embodied this perspective in his farewell address. The United States should not retrench into isolationism, he argued, but "it need not respond to every outrage of violence... Each and every case is unique... we cannot always decide in advance which interests will require our using military force" (Bush 1993). But when military force is required, the United States ought to gather a group of states with shared interests on an ad hoc basis to resolve the threat. After the threat has been dealt with, the security group can disband. Accordingly, the United States has responsibility toward the other states only to the extent that what threatens global security also threatens American security.

This middle-way foreign policy, although seemingly more restrained, moves forward without predictability. The ad hoc nature of choosing which threats to pursue and which to leave behind leaves the public and other countries guessing the stance of the United States on any given issue. In addition, the selectivity of this foreign policy orientation does not mean that the US will remain limited in its ventures. Robert Higgs (1987) described the "ratchet effect" to describe the pattern of increases in the size and scope of government power that occurs when emergencies and crises present themselves. Applied to the foreign policy establishment, the United States can increasingly get sucked into foreign policy ventures, selectively, without completely disbanding the institutional framework, territorial acquisitions, and hard power that the state accrues with each passing successful military operation. In addition, with no underlining

² See Pape (1997, 1998) on the futility of sanctions in bringing about intended political outcomes.

first principles to guide and inform the selection of foreign policy challenges the US should tackle, the American government is disincentivized from remaining moderate in number and intensity of its commitments. As a result, American foreign policy is bound to become more deeply entrenched and expansive. The alternatives to a regime of Rothbardian non-interventionism provide no superior set of policies that are superior in morality or efficacy in providing security. They reassert and justify the violation of the non-aggression principle on peaceful individuals at home and abroad.

CONCLUSION

A policy program of non-interventionism expands the individual rights of non-aggression and self-ownership to the international level. It is the most just and legal way to think about the ideal role of the United States in the world. It also promotes cooperation among states and peoples, which further disincentivizes interstate conflict. Ludwig von Mises pointed out that there should be no opposition between domestic and foreign policy. The goal should be the same for both arenas: peaceful cooperation. “The starting point of liberal thought is the recognition of the value and importance of human cooperation,” he noted. [A]nd the whole policy and program of liberalism is designed to serve the purpose of maintaining the existing state of mutual cooperation among the members of the human race and of extending it still further. The ultimate ideal envisioned by liberalism is the perfect cooperation of all mankind, taking place peacefully and without friction” (Mises 1985, 105). The ideal may not be perfectly attainable in a world of imperfect humans, but peaceful cooperation ought to be the default position for a liberal society. Ron Paul argued this point in his *Foreign Policy of Freedom*. “Our bellicose approach encourages protectionism, authoritarianism, militant nationalism, and go-it-alone isolationism,” he argued. “Our government preaches free trade and commerce, yet condemns those who want any restraints on the use of our military worldwide” (Paul 2007, 364).

States are increasingly interdependent. The processes of globalization continue to integrate communications networks, economic relations, financial systems, and interpersonal relationships. Damaging those relationships and connections through the threat of military action breeds distrust and damages the well-being of individuals within those states.

“Anything that would have the effect of preventing or stopping the international exchange of goods would do immense damage to the whole of human civilization and undermine the well-being, indeed, the very basis of existence, of millions upon millions of people,” Mises explained (1985, 107–8).

While the international division of labor creates mutual benefits, its disruption causes massive dislocation and misallocation of resources.

The underlying theme of American foreign policy—interventionism—is unethical and counterproductive. Ron Paul noted that American foreign policy ought to be based on the ancient concept of the Golden Rule: only initiate violence when there is an immediate clear and present danger (2007, 381). This limited scope of executive authority is a far cry from the deep engagement of post-World War II American foreign policy. From the postwar American libertarian perspective, the US needs a renewed commitment to non-intervention. The interventionist outlook is firmly entrenched in Washington and has bipartisan support, and America’s role in the world has not been seriously challenged by any of the post-9/11 Presidents (Toft 2017). Ron Paul’s speech on the floor of the House of Representatives in April 2006, summarized the problems of an interventionist American foreign policy: “Intervention just doesn’t work. It backfires and ultimately hurts American citizens both at home and abroad. Spreading ourselves too thin around the world actually diminishes our national security through a weakened military... A policy of trade and peace, and a willingness to use diplomacy, is far superior...” (Paul 2007, 359). For the United States to maintain its image of peace, wealth, and justice, non-interventionism must stand as its foremost foreign policy outlook.

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