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**Rethinking Non-Intervention and
Democratic Regime Change**

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Christopher J. Finlay

Il vaut mieux dire que le gouvernement le plus conforme à la nature est celui dont la disposition particulière se rapporte mieux à la disposition du peuple pour lequel il est établi... Les lois politiques et civiles de chaque nation ... doivent être tellement propres au peuple pour lequel elles sont faites, que c'est un très grand hasard si celles d'une nation peuvent convenir à une autre.

Montesquieu *De l'Esprit des Lois*

Can revolution be the proper end of just war? Unofficial arguments about the war in Iraq in 2003 seemed to suggest that it could. Official accounts at the time, of course, spoke in terms of international law and were framed in terms of two kinds of pre-emption case, *viz.* that since Iraq was an immediate military threat (the '45 minute' claim) and that it constituted a threat to international security and order (a claim which invokes ch.VII of the UN Charter), attack was the most appropriate form of defence. But the publics concerned in the US, the UK and European states (as well as elsewhere) were encouraged to evaluate the legitimacy of war in terms of a 'regime change' that went beyond mere questions of security. The idea of democratisation was an important general theme in the public statements of Tony Blair and George Bush before and since.¹ And it was echoed in Central European states where some leading dissident intellectuals of the Soviet era came out in favour of war as an 'anti-totalitarian' intervention (e.g. Adam Michnik, George Konrad, and Vaclav Havel).² Since there was no immediate humanitarian crisis – there had been issues of genocide during the 1990s but these did not meet with a similar response – this was an argument about democratisation (i.e. democratic revolution) instigated by an external actor by

means of military intervention. Whereas Srebrenica, Rwanda, and Sierra Leone, among other situations, helped put humanitarian intervention high on the agenda of contemporary normative international relations theory, therefore, Iraq did so with the issue of democratising dictatorships.

In terms of just war theory, can such an intervention be argued? Can intervention serve as a substitute for revolution in countries governed by oppressive dictatorship? During the late 1970s and early 1980s, the question was debated between Michael Walzer, whose sceptical arguments drew on John Stuart Mill's essay 'A Few words on Non-Intervention' (1859),³ and a series of critics. The casuistical aims of Walzer's argument that the conditions sufficient for domestic revolution were not generally sufficient for foreign intervention reflected anxieties of the American Left against the background of what they saw as neo-colonialist war in Vietnam. Rebuttals by Richard Wasserstrom, Gerald Doppelt, Charles Beitz, and David Luban, reflected equal anxiety about a theory that seemed too permissive with regard to foreign tyrannies with atrocious human rights records.⁴ Both discourses clearly speak with renewed resonance in the political climates of North America and Europe after the invasion of Iraq in 2003.

The present article revisits Mill's argument and its deployment by Walzer in order to elucidate anew the question of using intervention as a means of achieving domestic revolution in the states invaded.⁵ In part 1, I outline the central tenets of the 'Mill-Walzer' account of non-intervention, i.e. the reading of Mill through which the principle re-entered theoretical debates in the 1970s. In part 2, I present a critique of the assumptions underpinning Mill's account and, in 3, I sort through some ambiguities in his terminology, ambiguities ignored or smoothed over in Walzer's reading. Finally, in part 4, I attempt a reconstruction of the principle of non-

intervention on the basis of a more realistic set of empirical assumptions and a clearer use of political terminology. My conclusion presents a revised version of Mill's principle that seeks, first, to retain its usefulness as a 'conservative'⁶ restraint on excessive interventionist zeal (ironically, a principle still central to the arguments of the Left rather than Right); but which, secondly, clarifies and expands the permissive space given over to legitimate interventions in political theory, thus satisfying the need to consider assisting some democratic movements abroad, a prospect whose intuitive appeal still attracts some intellectuals of both leftist and rightist persuasions.

1. Nonintervention: Reading Mill Through Walzer.

a. Self-Determination and Self-Help

Writing in 1859, the same year as he published *On Liberty*, Mill argued that states should not, in general, be interfered with, particularly with respect to the internal legitimacy of their governments. Mill's short discussion in 'A Few Words on Nonintervention' lays out an argument that it is self-defeating and therefore wrong to interfere in the affairs of another state with a view to accelerating its progress towards representative democracy. Mill argued that the attainment of liberties and free government for individuals was inextricable from a fundamental right of nations to self-determination. This right therefore had to be respected. Where self-determination was not allowed to occur – as when another country intervenes – liberties and free government would inevitably fail, resulting either in a return to domestic oppression or in the new oppression of foreign colonialism. Tyranny, therefore, was no just or prudent cause of war, and while it might provide conditions justifying revolution it

did not similarly justify even benign foreign intervention. A people suffering under grievous dictatorship would therefore not be entitled to or essentially benefit from military assistance by some well-intentioned foreign power. All states, as Michael Walzer put it, should be treated as ‘self-determining communities,’ irrespective of the extent to which they had actually achieved democratic government or free public debate.

To use Walzer’s terms, Mill builds on a basic distinction between ‘self-determination’ and ‘political freedom.’ The legitimacy of states might be judged domestically by the standard of political freedom in a liberal view. Self-determination, however, is the standard by which they are judged internationally. To judge thus is to decide on the basis of whether the shape of a given state has been determined by itself or by a ‘foreign’ power. As Endre Begby writes in his commentary, ‘legitimacy abroad does not require legitimacy at home’ and to conflate the two constitutes a ‘category mistake.’⁷ Walzer therefore finds Mill arguing for a key tenet of what he calls the ‘legalist paradigm,’ *viz.* ‘that we must take care not to confuse the *self-determination* of a community with the *political freedom* of the community’s members’ by regarding a state as liable to just war internationally (i.e. as illegitimate) on the basis that it lacks legitimacy internally.

Mill’s argument is based on the assumption that for a people to attain to liberty, it is necessary for them to engage in an active struggle and a course of progressive, historical development through which political culture and psychology are transformed. To be ruled by a tyrant, Mill says, is a ‘misfortune’ certainly. But it is only during an ‘arduous struggle to become free by their own efforts’ that the virtues needed for free government have the best chance of springing up.⁸ From this, Walzer concludes, intervention is not merely to be advised against as something

unlikely to work but must be ruled out categorically. It fails ‘*necessarily*’ and ‘by definition’ based on the assumption ‘that the internal freedom of a community can only be won by the members of that community themselves.’⁹ In his summary of Mill, Walzer therefore concludes that,

A state is self-determining even if its citizens struggle and fail to establish free institutions, but it has been deprived of self-determination if such institutions are established by an intrusive neighbour. The members of a political community must seek their own freedom, just as the individual must cultivate his own virtue. They cannot be set free, as he cannot be made virtuous, by any external force. Indeed, political freedom depends upon the existence of individual virtue, and this the armies of another state are most unlikely to produce – unless, perhaps, they inspire an active resistance and set in motion a self-determining politics. Self-determination is the school in which virtue is learned (or not) and liberty won (or not).

Hence the principle of ‘non-intervention’: for Mill, the notion of self-determination signifies a people’s right, as he put it, ‘to become free by their own efforts’ if they can, and, as Walzer indicates, non-intervention is thus ‘the principle of guaranteeing that their success will not be impeded or their failure prevented by the intrusions of an alien power.’¹⁰ To safeguard such opportunities as may be available to peoples to overthrow their oppressive government and establish democracy, therefore, both Mill and Walzer conclude that it is necessary to tolerate oppressors in international affairs.

b. The Legalist Paradigm

Mill’s argument provides a positive, empirical and largely prudential account of the reasons why intervention should not take place. In Walzer’s rendition, it is used to establish the basis for the ethical-normative view that he identifies as the ‘legalist paradigm.’ This defines the rules governing interactions by states and, at their limit,

the crime of aggression. In outlining it, Walzer gives an amplified version of what he takes to be Mill's position in three important areas: first, in his conception of international relations as a 'society of states;' secondly, in his notion of the 'fit' between state and community; and thirdly, in his account of the exceptions to non-intervention.

The 'legalist paradigm' signifies a set of norms which Walzer takes to be at the heart of wide consensus in the just war tradition. Its central tenet is the legal doctrine of sovereignty, which, Walzer writes, 'defines the liberty of states as their independence from foreign control and coercion.' The 'society of states' is the conception of international relations upon which the paradigm rests. Crucial to this society is the mutual respect accorded by states to the rights of other states. States have two fundamental rights: territorial integrity is one, and sovereignty is the other. Within this framework, Walzer argues that, even where that state fails to recognise human rights or democratic entitlements, there is at least a strong presumption against intervening in the affairs of another state.

Walzer gives two reasons for respecting states as bearers of rights. The first has to do with the relationship between states and individual rights. Since rights do not exist in a vacuum, Walzer argues, but require political institutions for definition and protection, and since there exist no global political institutions capable of providing this, the state is the only real context within which such rights can be expected. It is therefore essential that states, their territory and their authority be respected as repositories of such human rights as have been realised. Secondly, Walzer stresses the need to respect order and diversity in the international realm: the survival of a society of states in which such plurality can occur and in which a war of

all against all can be avoided depends upon norms of behaviour. These norms are provided by the two basic rights of states.¹¹

It is on the first argument, however, that Walzer relies more heavily in discussing non-intervention. Following Mill, Walzer argues that although not all independent states are free,

the recognition of sovereignty is the only way we have of establishing an arena within which freedom can be fought for and (sometimes) won. It is this arena and the activities that go on within it that we want to protect, and we protect them, much as we protect individual integrity, by marking out boundaries that cannot be crossed, rights that cannot be violated. As with individuals, so with sovereign states: there are things that we cannot do for them, even for their own ostensible good.¹²

Walzer concludes, therefore, that there should be a 'kind of *a priori* respect for state boundaries' since they are the only ones they ever have and Mill's principle of non-intervention gives rise to the maxim, '*always act so as to recognise and uphold communal autonomy.*'¹³

The rights of states, as Walzer hastened to emphasise in his defence of *Just and Unjust Wars* in 1980, are not ultimate principles but merely reflect the importance of 'community' as an embodiment of the rights of individuals. It is in this relation that he amplifies Mill's account by making use of the idea of a 'fit'. This community 'rests most deeply' on a Burkean, metaphorical 'contract' between 'the living, the dead, and those who are yet to be born.' Its historical origins are discoverable over the *longue durée* rather than in a singular contract and its normative foundations are found in the right of all individuals to belong to a community.¹⁴ The inviolability of state sovereignty arises from its privileged relationship with the community.¹⁵

Walzer asserts that there must be two 'presumptions' about peoples and states from the point of view of foreigners contemplating intervention. The first is a

presumption in favour of the legitimacy of a state based on the assumption that, for it to exist at all, there must be a certain ‘fit’ between community and government. Walzer makes his case for Mill’s principle on the grounds that different political cultures are epistemologically opaque to one-another. Foreigners, he writes, ‘are in no position’ to deny the integrity of the relationship between people and government because they have insufficient knowledge of the relevant history. They lack the ‘direct experience’ needed for understanding the ‘concrete judgements’ through which the community negotiated its ‘conflicts and harmonies’ and established ‘the historical choices and cultural affinities, the loyalties and resentments, that underlie it’.¹⁶ The second presumption is that if an attack were launched against the state in question, then its citizens would ‘think themselves bound to resist, and would in fact resist’. It must be assumed that ‘they value their own community in the same way that we value ours or in the same way that we value communities in general’ and will therefore subject themselves to the tyranny of war rather than let a foreign force take over.

The expectation of resistance in particular grounds the moral prohibition against imposing on a state the tyranny of war in Walzer’s account: ‘it is the expectation of resistance,’ he writes, ‘that establishes the ban on invasion.’¹⁷ To the extent that we must assume citizens will fight – either voluntarily or by obligation – then we would regard any action against them as one of ‘aggression’;¹⁸ correspondingly, where there is no such willingness, such an action would not, in fact, constitute aggression.¹⁹ Where citizens are prepared to fight, Walzer assumes, then this reflects the continued existence of some kind of ‘fit’ between community and government, however residual. Fighting these citizens, therefore, constitutes not only a violation of their rights as individuals (‘it is to force men and women to risk their

lives for the sake of their rights'²⁰) but also their rights as members of a community, viz. to belong to and act through that community.

In a third modification of the terms of 'Non-intervention,' where Mill had named explicitly only two exceptions to non-intervention, Walzer admits a third. Mill argued that it is permissible to assist in wars of national liberation, and to counter the illegitimate interventions of others by means of 'counter-intervention.' Walzer adds that it is necessary to permit humanitarian intervention in cases of genocide and other large-scale, simultaneous crimes against humanity.²¹ Two quite different criteria are presented for justifying exceptions: the first requires attackers to demonstrate the 'urgency or extremity of a particular case' as the basis for claiming that it constitutes an exception to the rule; the second criterion, however, suggests that these cases all sit somewhere outside the remit of the non-intervention rule and are therefore excluded from it categorically.²² On the latter view, all three of the kinds of intervention that may be permitted are cases where the 'fit' between community and government that must be presumed at all other times manifestly no longer obtains. And where it no longer obtains, the assumption that citizens will fight is either no longer true (in the first and third cases) or is counterbalanced by the fact that fighting has already broken out (as in the second).²³ Thus, would-be attackers may cite 'rules of disregard'²⁴ which mark the point where non-intervention no longer applies.²⁵

But the possibility of overthrowing a regime by means of military intervention on grounds that it is oppressive even to the point of fairly extensive violence is ruled out by both Mill and Walzer. This appears as the unfortunate but necessary price for those whose greatest worry is that an activist, aggressive foreign policy would be encouraged by a more permissive theory of *jus ad bellum*. But Walzer's critics have consistently stressed the different kind of permissiveness that his theory opens up,

arguing that it gives *carte blanche* to tyrannies with a record of persistent human rights abuse.²⁶ The most disadvantageous consequence of Walzer's appropriation of Mill is that it effectively protects such states from any possibility of armed intervention provided their governments stop short of outright genocide or mass enslavement and manage to prevent the outbreak of a secessionist civil war. The three parts following in this essay therefore return to Mill's arguments, first, re-examining and re-evaluating the assumptions that underpin them (in 2 & 3) and, secondly, offering the possibility of reconstructing them in a more attractive way (4).

2. 'Merely domestic oppressors':²⁷ Mill's Assumptions

This section initiates a critical analysis of Mill by highlighting three key assumptions that are made in his arguments on non-intervention, *viz.* a.) about the foundations of authority; b.) about the nature of liberty and its historical-cultural foundations; and, finally, c.) about the ability of peoples desiring and capable of self-rule to overthrow tyrants. The first two of these assumptions, I argue, constitute the major strength of Mill's account as a source for theories seeking to limit interventions and to prevent foolhardy or malicious ventures from taking place. But the third assumption is anachronistic, lacking empirical credibility. It therefore constitutes a significant weakness in Mill's – and consequently Walzer's – argument against intervention.

a. A Fit between Government and Community

The first pillar of Mill's argument is the assumption that for a government to sustain itself, it needs in some way to match the kind of community over which it rules. If there is a mismatch, then the situation will tend to right itself in favour of the community. While this theme was explicit and detailed in Mill's *Considerations on Representative Government* (1861), in 'Nonintervention' it is largely implicit. But its presence is felt in the discussion of cases where a people has not yet overthrown despotic government. Mill is emphatic that, in such cases, it must be assumed that the people have not yet acquired the 'feelings and the virtues'²⁸ needed for free government.²⁹ The 'fit' (as Walzer calls it) implied between despotic government and the community over which it rules must, at the very least, then involve the absence of a will for any other kind of government. In *Representative Government* Mill elaborates further on what must be lacking in such a case. A people requires three characteristics before representative government is sustainable and therefore appropriate: first, the people 'should be willing to receive it.' The possibility that they will not be and that they may, in fact, remain attached to a despotic ruler remains open. The second requirement is that 'they should be willing and able to do what is necessary for its preservation.' Finally, 'they should be willing and able to fulfil the duties and discharge the functions which it imposes on them.' Despotic governments 'fit' where any one or more of these factors is lacking.³⁰ Although Mill remarks in another part of 'Nonintervention' that 'a despotic government only exists by military power,'³¹ his account generally suggests that the survival of such governments is sustained by the presence of some specific cultural attributes or at least by the absence of others. It therefore supports a strong presumption against trying to impose what

may be ‘ideally’ the best kind of government in what are evidently not ideally the best kinds of circumstances, a view which counsels caution (we might call it ‘conservatism’) in foreign policy.

In Walzer’s amplified reading, he says that Mill ‘generally writes as if he believes that citizens get the government they deserve, or, at least, the government for which they are “fit”.’ Thus, if military force is important for despotism, it is effective only to the extent that the populace allows it to be. In Walzer’s version, Mill believes that a tyrant attempting to rule a people that has the will to free itself will eventually be overthrown (and the people learn virtue, the capacity for self-rule, through this act); therefore if a tyrant appears to be ruling successfully, then we assume that he must have at least the passive consent of his subjects, i.e. the absence of a will (and hence ability) to be ruled otherwise.³² The idea of a ‘fit’ between a government and its subject community is developed further in Walzer’s communitarian language in ‘The Moral Standing of States’: ‘[t]he history, culture, and religion of the community,’ he writes, ‘may be such that authoritarian regimes come, as it were, naturally, reflecting a widely shared world view or way of life.’³³ Thus, he continues, ‘though the ‘fit’ between government and community is not of a democratic sort, there is still a ‘fit’ of some sort, which foreigners are bound to respect.’³⁴ Walzer develops this aspect of Mill’s account further in the idea of communities whose cultural attributes may be reflected in a multitude of different constitutional forms, a notion that goes some way beyond Mill in its pluralism. But the principle remains the same: representative government is only suited to some peoples some of the time.

Both versions of the argument participate in a tradition of political thought which originated with David Hume and became more strongly ‘conservative’ in colour with Burke. Even tyranny does not usually rule by force alone:³⁵ it usually

relies on some basis of support. For Hume this basis was found in ‘opinion’; more recently, Hannah Arendt articulated an alternative version of this idea with the definition of ‘power’ she offered in her essay *On Violence*, where all power, properly speaking, is based in ‘empowerment’ by those who accept its authority (though there is also something quite different called ‘obedience’; it is this, rather than ‘power’ as Mae Tse Tung asserted, that flows from the barrel of a gun).³⁶ Whether in Mill’s leaner argument or Walzer’s communitarian version, as an initial presumption (subject to revision in some circumstances as I argue below) this argument is a useful one, counselling well-grounded prudence and helping to narrow down permissiveness. Generally, we take it as a *prima facie* assumption that, whatever government exists in a state ‘fits’ its people, even if it is not one that we think is ‘legitimate’ according to liberal canons.

b. The Conditions of Liberty

Mill’s second assumption involves the belief that ‘liberty’ is insufficient from a political point of view if we hold it to mean merely ‘negative liberty’ (e.g. in Isaiah Berlin’s sense). Politically adequate liberty or freedom cannot be enjoyed simply by removing anyone or anything standing in the way of our desires: we cannot, that is, merely step in and overthrow a dictator and expect a society to emerge instantaneously in which the ideals of Mill’s essay *On Liberty* are enjoyed. Our desires, after all, can include such things as the security of someone else telling us what we should do and (as the first assumption suggests) a people liberated from a tyrant with whom they were not particularly discontent might well seek a replacement.³⁷ It is therefore important to bear in mind that Mill’s political philosophy

was concerned with two kinds of liberty, the social and the political: in Mill's terminology, this is reflected in his interrelated concerns with liberty qua freedom from interference by others and representative or 'free' government, understood as the institutions best designed to enhance, protect and contribute to the exercise of meaningful freedom. A state which meets both conditions (ideally the best form of state) is radically different, clearly, from the general licence that would be seen if free government were given to a people just liberated from slavery, as Mill suggests in *Representative Government*.³⁸

For a state to achieve freedom and be able to sustain it, it needs both the social space for exercising private, negative freedom (of the kind analysed in *On Liberty*) and the kind of free government envisaged in *Representative Government*. While conceptually distinct, neither can survive without the other. Mill's liberal politics therefore requires careful consideration of the positive conditions required to achieve successful 'free' institutions as well the negative precondition of removing tyrannical ones. To be effective and to survive, as 'Nonintervention' argues, liberty and free government require 'virtues'. In this respect, Mill follows the tendency of early-modern (like more recent) republican theorists who maintain that liberty is a kind of practice, requiring skills, values, beliefs, habits, in short, what neo-Roman theorists called 'virtues' in order to come into existence.³⁹ Political order, for example, is best served by industry, integrity and prudence; progress, through which a society sustains itself by setting goals, benefits from mental activity, energy and courage.⁴⁰ Furthermore, it is specific to certain kinds of political culture, i.e. liberal cultures, the cultures of free states, and absent from others, e.g. despotisms, tyrannies, anarchies, and colonial provinces. To make the transition from despotism to democracy, it is not sufficient, therefore, merely to kill the despot (who is basically the inessential part);

instead, it is necessary to envisage a path of historical, progressive development with a strongly pedagogic component.⁴¹ Mill's general concern with this is clearly evident from his emphasis on processes of 'enlightened' progress in *On Liberty* and *Representative Government*. Again, along with the first assumption, this helps support a generally conservative view on regime change by suggesting that to 'free' a people requires something substantially more than merely to remove their oppressors.

c. Force and Freedom

Both of the first two pillars of Mill's argument are closely related to elements of the civic republican tradition. They both contribute to what may be called, to borrow Philip Pettit's term, Mill's 'consequentialist republicanism.'⁴² In Pettit's account, this amounts to the rejection of deontological views of liberty that envisage imposing preconceived constitutions on any given community irrespective of its specific cultural characteristics. For Mill, it is most clearly seen in his arguments in *Representative Government* where he argues that, although it is ideally the best form of government for those states capable of supporting it, representative government is *not* suitable in states that have yet to achieve the right kind of political culture. Its effects, as he argues in that text, would actually be detrimental, for instance, if it were imposed on a people used to living in slavery. For peoples that have not yet arrived at a level of progress suitable for representative institutions, a range of other possibilities present themselves as interim measures whose suitability is measured according to the extent to which they can contribute to progressive development on the long run.⁴³

The third assumption underpinning Mill's view is the apparent belief that force could not prevail over an adequate will to be free. Mill writes that if a people

suffers tyranny ‘only with native rulers,’ i.e. rulers without foreign military support to keep them in power, ‘and with such native strength as those rulers can enlist in their defence,’ then there is generally no case to be made for intervening to support revolution. The reason, he writes, is

that there can seldom be anything approaching to assurance that intervention, even if successful, would be for the good of the people themselves. *The only test possessing any real value, of a people’s having become fit for popular institutions, is that they are willing to brave labour and danger for their liberation.*⁴⁴

There is some vagueness in Mill’s account here against which Walzer’s reading appears rather too decisive. Walzer infers from Mill’s argument the conclusion that ‘force could not prevail ... over a people ready’ to brave the struggle with tyranny. In other words, a domestic tyrant could not possibly resist the force of a genuine popular movement for liberty. From the passage quoted, however, Mill appears to ignore and therefore to leave open the possibility that a movement sufficiently desirous and capable of free government were it to be established could still be defeated by domestic military forces.

Whether or not Mill believed it, the idea that any willing and ‘virtuous’ populace will necessarily be able to challenge the government in command notwithstanding the means of violence at the disposal of the state seems anachronistic in contemporary politics and against the background of twentieth-century historical experience. It may (or may not) have been true in 1859, but political history suggests that the balance shifted subsequently in favour of governments with the development of military technologies of greater effectiveness. The experience of revolutionary failure in Russia during 1905, for instance, led activists in Europe to believe that even armed and popular uprisings face the prospect of bloody defeat against a militarily

strong state.⁴⁵ After WWII, as Hannah Arendt noted in 1969, this fact of modern state violence was impressed upon global political consciousness by the Soviet repressions in Hungary in 1956 and in Czechoslovakia in 1968. Admittedly these latter constituted foreign interventions – a case which Mill recognised – but since then, the image of protesters facing domestic Chinese tanks in Tienanmin Square has driven the point home: if a government retains the support of a sufficient proportion of the army, it can resist even the most capable and determined movement for free government. To put it crudely, then, if Walzer is correct in his reading of ‘Non-intervention,’ we might say that the problem with Mill’s theory is that he had never seen an army tank. Tanks in Tienanmin Square symbolise for us the fact, stressed by Arendt, that no amount of popular power can win against a determined government armed to the teeth with modern weaponry.⁴⁶

Whether or not Mill would have entertained such a possibility is less the concern of the present paper, however, than the question of whether or not it could occur as an empirical reality (a question to which I return in 3.b). In any case, Mill’s ambiguity on the question arises from a lack of clarity in his argument, criticism of which opens up both his and Walzer’s principle of non-intervention for partial revision. As I argue in section 3.a, Mill’s account does not adequately distinguish between, on the one hand, the will and virtues needed for representative government, and, on the other, the military-logistical capacity to confront the armed forces of the state. This tends to support Walzer’s conclusion. Clarifying the difference allows us to reopen a possibility that the Mill-Walzer account has closed off, as I show in 3.b.

3. Challenging Mill

a. The Virtues of self-rule

Mill's argument and Walzer's appropriation both rest on a set of key terms found in 'A Few Words on Nonintervention,' terms which are not always as clearly distinguished as they might be. In particular, I want to argue that an important ambiguity arises from Mill's conflation of three distinct factors affecting the viability of revolutions and free governments, *viz.* those virtues needed as qualities in the citizens who will rule themselves; secondly, the will for free government; and, thirdly, the resources needed for successful armed uprising. It is by conflating the three and treating them as, in effect, a single matter, that Mill's account appears to rule out all possibility of a successful intervention on behalf of an embattled but legitimate revolution. The confusion of different elements is seen particularly in relation to what he calls 'the feelings and the virtues needful for maintaining freedom'.

In 'Nonintervention,' Mill refers a number of times and in different ways to what is needed by a people in order to sustain free government ('a people's having become fit for popular institutions.'). He writes that they must be 'willing to brave labour and danger for their liberation';⁴⁷ that they must have 'sufficient love of liberty to be able to wrest it from merely domestic oppressors;' that they must be 'determined to be [free]' and 'value it sufficiently to fight for it.'⁴⁸ He also writes of the 'feelings and virtues' needed as well as the need to appreciate, devote themselves to, and 'value their country's interest above their own.'⁴⁹ A people capable of sustaining popular institutions must have the ability to 'maintain it against any force which can be mustered *within* the country'⁵⁰ and be 'capable of defending and of making a good use

of free institutions.’⁵¹ In these latter remarks, Mill clearly means that the people must be capable *both* of wresting their liberty from an existing despotic government *and* of defending it once they have control of government.

Thus, in Mill’s account, there is, on the one hand, the ability of a revolutionary movement for democracy to defeat a government in power. It is this which he says provides empirical proof to outsiders that the people in question is capable of popular government. On the other hand, he speaks of the virtues needed for *sustaining* free government. Both appear to include, above all, a great desire for free government resulting in a resolute will to attain it. But when Mill writes of the ‘virtues’ needed for free government, what will these include? Aside from military capability and desire, ‘Nonintervention’ tells us little about them. If we turn, however, to *Representative Government* (published two years after ‘Nonintervention’) as we did before, Mill is more explicit: essential to the sustainability of representative government, he said there, are three things, *viz.* a willingness to receive it, a willingness and ability to do what is needed to preserve it, and a willingness to carry out the duties it requires of citizens. In that context, little is said of military *virtù*, and much more about the ‘enlargement’ of the mind and sentiments necessary for citizens who are potentially to occupy public offices and who must participate in various roles in civil society. In other words, the virtues needed to sustain representative government consist largely in enlightened education and the moral capacity to perform one’s duty.

If we take the two discussions together – from ‘Nonintervention’ and from *Representative Government* – there are, therefore, two distinct sets of virtues which, in the earlier essay, Mill treats as one. On the one hand, there are those which are required in the aggressive act of challenging an illegitimate government in power, including, presumably, logistical capabilities, martial courage and a willingness to

risk life and limb in confrontation with the powers of the state, strategic and tactical *nous*, and the possession of arms sufficient for battle along with the capacity to use them; on the other, there are those required to sustain an existing representative government and protect it from corruption. (Both require a strong will for freedom to support them.) What I want to argue is that, while the first set of virtues might be a good indicator that the second exist or will be learnt, they are nonetheless quite distinct and it is therefore possible on the basis of these principles that a successful representative democracy can be conceived where the people had not confronted earlier despotic government in domestic revolution.

To support this view from within Mill's discussions, it may be argued, for instance, that the kinds of threat faced by a democratic movement in opposition are very different from those faced by democratic citizens occupying roles in representative institutions. In the former case the danger is defeat by force and repression and it must therefore be met by a willingness and ability to fight. In 'Nonintervention,' however, the key danger that an existing republic would face lies not in the direct confrontation of soldiers but in a lack of integrity among its officials:

Either the government which it has given to itself, or some military leader or knot of conspirators who contrive to subvert the government, will speedily put an end to all popular institutions: unless indeed it suits their convenience better to leave them standing, and be content with reducing them to mere forms; for, unless the spirit of liberty is strong in a people, those who have the executive in their hands easily work any institutions to the purposes of despotism. There is no sure guarantee against this deplorable issue, even in a country which has achieved its own freedom...⁵²

In the face of such a threat, is a willingness to fight the first virtue that democratic government requires? The general argument of *Representative Government* would seem to suggest instead that it is the cultivation of ethically virtuous citizens who

perform their own duties diligently and who are vigilant in ensuring that others do not usurp popular authority. This cultivation might well occur in the ‘school’ of revolutionary contestation, but we might also imagine (as Mill does in *Representative Government*) that it can sometimes occur without such a fight.

b. Four Scenarios

A conceptual distinction is therefore supportable between political virtues, properly speaking, and the military capabilities that may be required in confronting a government in power. The possibility that I want to open up on this basis – and which is effectively suppressed in the Mill-Walzer account – can be seen clearly if we consider the range of possible scenarios that the two authors envisage. Mill’s account in ‘Non-intervention’ clearly indicates two opposite possibilities of fit between government and people:

1. Pure despotism: this appears where the presence of political tyranny is matched by the absence of any ‘spirit of liberty’ among the people, i.e. of democratic will and democratic virtues.
2. Pure democracy: by this term I designate those cases where free government emerges in the face of tyranny due to the proven strength of democratic will and it succeeds and survives due to virtues learnt during the course of revolutionary struggle.

So far as purely domestic situations are concerned (i.e. those free from foreign interference), Mill’s account can seem – and seemed to Walzer – to rule out any other possibilities. Both Mill and Walzer discuss in explicit terms only one other possibility

for foreign intervention against domestic tyrannies, *viz.* the idea of a misfit created by unjustified intervention:

3. Misfit (1): where there is a free government due to intervention but the people possess neither sufficient will nor virtue for achieving or sustaining it.

It was this that both Mill and Walzer sought to avoid in foreign policy and their arguments are effective in showing how it would lead in the short to medium term either to a return to 1. or to a colonial occupation. What I want to argue is that there is, in fact, a fourth possibility that appears to be ruled out but which must at least be conceivable as a hypothetical scenario:

4. Misfit (2): this is the case where tyrannical government continues to exist but where both democratic will and virtues also appear.

This possibility becomes apparent when we introduce the distinction glossed over in Mill and Walzer, *viz.* between the ‘virtues’ needed for sustained self-government and the *means* needed for successful enforcement. The former might include things like public spirit and the love of freedom itself (both possibilities that Mill stresses) as well as patriotism, honesty and prudence in political leaders, etc, not to mention enlightenment and education. These virtues enable a people to rule itself and to monitor those in positions of authority. They encourage vigilance and scrupulous behaviour, and provide the basis for a military ethic sufficient for resisting invaders or would-be domestic tyrants. The latter, which neither Mill nor Walzer distinguish in this context, would include the technologies, *materiel*, and the logistics of violence generally monopolised by the modern state. A fourth case would emerge where the people possessed the former but not the latter, i.e. where they had the virtues needed for successful management of their state and a desire for freedom but were prevented from taking up the reins of government because they have

insufficient *military means* to defeat a well-armed dictator supported by the army. Were this to occur in a particular case, Mill's otherwise prudent first presumption about the fit between government and community would be subject to reconsideration and could be overturned.

The fourth possibility can be elucidated further by using Hannah Arendt's terms of reference. Arendt's analysis of violence and political power is in many respects consonant with Mill's and Walzer's, as I suggested above, arguing that even dictatorial rule generally has to be empowered by some group before it can impose its violence on the rest of society. But she makes clear that an exception is possible:

Violence, we must remember, does not depend on numbers or opinions, but on implements, and the implements of violence, [...] like all other tools, increase and multiply human strength. Those who oppose violence with mere power will soon find that they are confronted not by men but by men's artefacts, whose inhumanity and destructive effectiveness increase in proportion to the distance separating the opponents. Violence can always destroy power; out of the barrel of a gun grows the most effective command, resulting in the most instant and perfect obedience.⁵³

What Arendt envisages is the situation where a democratic majority, seeking self-rule and in all respects capable of *sustaining* it, is prevented from *attaining* it by a tiny minority whose strength has been artificially multiplied through the possession of modern arms. A mathematical equation thus emerges where the power of government, multiplied by strength drawn artificially from the instruments of violence, proves equal to or greater in force than the power arising from the will of the democratic majority. In such a situation, were the effects of possessing arms neutralised or counter-balanced on the side of the people, therefore, a successful revolution would take place. The decisive factor swinging events in another direction is not the balance of political forces as such, but the possession of military capability.

4. Reconstructing Non-intervention

If such a case can occur – and I suggest that it is possible – then, I would argue, there exists a *prima facie* case for legitimate foreign intervention with the express intention of defeating domestic tyranny. Two things would be required, however, to develop this case: first, the relationship between the exception proposed and those endorsed by Mill and Walzer needs to be clarified; secondly, some preliminary attention needs to be given to the indicators that might be established for judging when a people can be deemed ready for intervention.

a. An Exception to Non-Intervention

There are two ways in which the exception I propose can be assimilated to those allowed in the Mill-Walzer account: first in terms of counter-intervention and, secondly, in the terms in which humanitarian intervention is discussed. In Mill's argument, counter-intervention is justified on the grounds that the natural balance of forces in a civil conflict has been upset by artificial factors (i.e. foreign troops). He writes that where a people fights against a 'foreign yoke, or against a native tyranny upheld by foreign arms,' the reasons for non-intervention cease to exist. In these kinds of situation, it is sometimes the case that no amount of attachment to freedom or ability to defend and 'make good use' of 'free institutions' could 'contend successfully for them against the military strength of another nation much more powerful.' Because of the imbalance that this foreign, military element introduces, he argues, intervention would not 'disturb the balance of force on which the permanent

maintenance of freedom in a country depends'; rather, it would 'redress that balance when it is already unfairly and violently disturbed.'⁵⁴

I propose taking Hannah Arendt's distinctions and bringing them to bear on Mill's account here: if we accept the proposition that the instruments of violence (including weapons and specialist expertise) multiply artificially the capacity of persons to command obedience, irrespective of their 'power' (Arendt) or, as Walzer would put it, of the 'fit' between government and community, then it is possible to argue that these materials themselves constitute a foreign and artificial weight in the balance of political forces in the country. As with virtues, the term 'forces' in Mill's account contains different elements which could usefully be distinguished as he assimilates political will, virtues, and coercive force (weapons, training, etc) under the one term. If we distinguish, therefore, the will and virtues from the coercive forces, then, intervention may be presented in a similar light in the case I suggest above (where revolution has broken out but is being suppressed by force) to Mill's case for counter-intervention: foreign military aid would constitute a counter-weight against the artificial weight of coercive power monopolised by the state. While the terms justifying counter-intervention could thus be appropriated to legitimate democratic interventions against violent governments, however, they would still constitute a distinct, fourth exception.

An important objection which needs to be anticipated to the line of argument I have taken was suggested by Walzer in 1980, *viz.* that if an army is prepared to fight and defend the government, then it must be assumed that a 'fit' still remains, sufficient to render any intervention unjustifiable. One way to respond to this is to borrow again from Walzer and argue that the case I introduce is analogous with another one of the exceptions he allows, namely that of humanitarian intervention. As

he argues in ‘The Moral Standing of States,’ where an army engages in genocidal or equivalent actions, then this indicates the absence of a meaningful ‘fit’ between government and community, thus justifying intervention.⁵⁵ In such a case, presumably, the misfit occurs, not between the army and the community in which it is rooted, but between the army and the community whose rights the soldiers violate and whose lives they forcibly take. (Alternatively, it could mean that the army, having become a community unto itself, has effectively separated itself and the state it supports from the people as a whole; if Walzer intended this, it would help my argument even more but his remarks on armies seem to suggest that they must generally be assumed to have social roots outside the ranks.⁵⁶) If this is the case, then it could support an interpretation of counter-revolutionary repression as signifying an analogous misfit where the soldiers (or the soldiers plus the minority with which they have a ‘fit’) no longer fit the majority. This might be construed as a civil war where the force of a small minority is artificially multiplied by its monopoly of most of the technologies of violence. That being the case, there is sufficient reason to intervene in terms similar to those of humanitarian intervention. But, again, the exception is different even though it could be argued in a similar way: it would constitute a deliberate attempt to facilitate democratic revolution rather than a humanitarian intervention as such (though it might serve this purpose too).

b. When are people ‘ready’?

Before concluding, it is necessary to reflect for a moment on what signs could be identified to show when a people is ‘ready’ for assistance. For Mill, free government arising from successful revolution is a proxy indicator for political virtue and

democratic will and it is the only one he considers. The question which needs answered is whether it would be possible in principle to delineate a set of empirical tests by which to judge situations on a case-by-case basis to see whether virtue and will of sufficient magnitude exist to sustain representative government but in the absence of revolutionary success. To do so in detail would go somewhat beyond the scope of the present article, but I would suggest the following: first, the development of civil society has become a standard indicator in the analysis of states suffering from disadvantageous political institutions, one that has been applied in discussions of Central-Eastern Europe in 1989 and the Islamic states of North Africa and the Middle East, for instance. To use Ernest Gellner's phrase, the presence of non-governmental organisations and the vibrancy of civil life are *necessary* 'conditions of liberty.' But they are clearly not *sufficient* conditions and we would require, secondly, that there were indications of a properly *political* will for change. This would be evaluated on the basis of whether there exists a political movement for democracy, the existence of democratic parties of various kinds, the publication of political journals and opposition literature, etc. Finally, and following the first two principles of Mill's argument, there would need to be an actual revolutionary confrontation. As part 2 argued above, the presumption that even tyrannical governments may reflect salient features of the communities they rule and the recognition that political liberty has cultural and social preconditions that require sometimes long-term historical development remain persuasive. Before these presumptions could be set aside and a legitimate intervention conceded, there would have to be evidence that the 'fit' that Walzer writes about had been ruptured. Moreover, as Walzer's general arguments on *jus ad bellum* tend to support, there would also be a moral requirement that no bloodletting be initiated until the people in question had shown itself willing to endure

it and make the sacrifice. For this, a revolutionary breakdown would be the only real indicator. Unfortunately, this will mean that in situations where repression has already occurred and effectively crushed opposition, the absence of any articulate democratic energies will rule out the possibility of interventions on the basis here proposed. Such regimes will provide no indications that the people are ready for transition. Terroristic or totalitarian regimes such as that of Saddam Hussein, therefore, will remain outside the scope of any exception to the principle of non-intervention based on arguments about democratisation (but still subject to the possibility of humanitarian intervention).

Where the modification to Mill's principle would enter is the point at which a democratic revolution appeared likely to collapse under the pressure of violent military repression. In such a scenario, the willingness of a people to brave danger and hardship could be shown without succeeding in revolution. To use a recent illustration, during the Orange Revolution in Ukraine, the effectiveness of street protest and intelligent use of the media manifested a strong will for democratic changes and an end to corrupt government. Ultimately, a peaceful transition occurred as government decided against armed confrontation. But it was certainly possible that Victor Yanukovich, the President, could have responded differently, sending the military against the crowds, and in such a scenario military repression might have succeeded.⁵⁷ The decisive factor, therefore, could well have been a matter of how the government and military *chose* to react. There were thus two ways in which the situation could have unfolded: one, the actual outcome, where the decision against using military coercion ensured that the effective 'balance of forces' included only political, legal and moral elements; two, a counter-factual but apparently very real possibility at the time, where the moral and political weight of the revolution

confronted that of the government and its supporters *plus* the coercive force of the military. It is arguable that in the latter case, arms would have affected the outcome *artificially* and could then have provided grounds for assisting the revolutionaries. The question then may be asked whether we should have regarded the revolution as insufficiently motivated or virtuous to succeed on the basis that the state had suppressed it militarily; given its apparent success, this judgement is certainly questionable in hindsight. On the other hand, the case of Iraq in 2003 would be very different since no revolutionary opposition was then in evidence.

c. Conclusion

The present essay identifies three key assumptions underpinning the Mill-Walzer argument; and by outlining these, it establishes a critical position from which to challenge the principle of non-intervention and to suggest a reconstruction. In particular, Mill's argument appears to suggest (and Walzer clearly states) that if a people has the will to remove a regime and sufficient virtue for self-rule, then it follows that it will be possible for them to do so. On the basis of this assumption, the Mill-Walzer account maintains that any effort to remove an oppressive regime and replace it with a more democratic one is, in Michael Walzer's words, *necessarily* bound to fail. The present article argues that Mill's account is dated in that it underestimates the capacity of governments to instigate repressive measures against movements for democracy. Once the capacity of governments to instigate such repression is recognised, it becomes clear that Mill's conclusions must be altered: interventions against such governments may be permissible under circumstances

where a democratic movement for change manifests itself but where it is unlikely to succeed due to the violence at the disposal of the state.

Once the possibility is reopened within Mill's account that a valid democratic movement could confront unsuccessfully a tyrannical government then his account can be reconstructed in a way that is more attractive than Walzer's reading allows. The attractions of this idea may be expressed in terms of Rawls's ideal of reflective equilibrium: there are two quite contrary moral intuitions operating in contemporary theory and public discourse (and they are often held by the same people). The first sees the assistance of liberation movements abroad as attractive and the idea of sitting idly by while foreign dictatorships are allowed to prolong their existence abhorrent; the second is unwilling to countenance the adventurism of foreign interventions on grounds of prudence. Once reconstructed, Mill's account can accommodate both intuitions while providing a principle by which to adjudicate between them: the principle of assistance is recognised in the possibility that it could work in certain limited situations; the principle of conservatism is accepted in a mitigated form where a presumption against intervention remains in place in most cases based on the assumption that, without clear contrary indications, even authoritarian governments are sustained by at least acquiescence and even positive support and in such circumstances the preconditions of free government are unlikely to obtain. Thus, both intuitions can be accommodated within a manageable political framework.

The endorsement of a restricted set of cases where democratic interventions could be permitted in principle, however, is limited by a series of additional concerns both within the terms of just war theory and outside. First of all, the question of moral authority remains a tortuous one in an era when the UN is hamstrung by its Security Council procedures and the only force seemingly capable of supplying much of the

strength in intervening – the US – has a highly problematic status in the eyes of people in many states. The status of such interventions is rendered problematic from another point of view by the fact that they are not permitted by international law; this means that, while moral and political principles might allow for an intervention to assist in revolution, legal principles could only be invoked in justification where repression had turned into genocide or created a humanitarian disaster of equivalent magnitude.

¹ Charles Krauthammer calls their approach, ‘*democratic globalism*, often incorrectly called neoconservatism. It sees the spread of democracy, “the success of liberty,” [...] as both the ends and the means of foreign policy. Its most public spokesmen, George W. Bush and Tony Blair, have sought to rally America and the world to a struggle over values. Its response to 9/11 is to engage in a War on Terror whose essential element is the global spread of democracy.’ Krauthammer, ‘In Defence of Democratic Realism,’ reprinted in *The Right War? The Conservative Debate on Iraq*, ed. Gary Rosen (Cambridge University Press, 2005) p. 188. Charles R. Kesler, in an article printed in the same volume (‘Democracy and the Bush Doctrine’), also notes that the security aims of ‘regime change’ were conceived in the broader context of democratisation: ‘As in the 1980s, regime *change* implied [the replacement of governments in states backing terrorism] by something better, and the Bush Doctrine soon expanded to accommodate the goal of planting freedom and democracy in their stead.’(222)

² Thomas Cushman, ‘Anti-Totalitarianism as a Vocation: an Interview with Adam Michnik,’ *Dissent*, Spring (2004).

³ Michael Walzer, *Just and Unjust Wars* (New York, 1977). Throughout this article, I draw on the third edition (New York, Basic Books, 2000); and its defence in Michael Walzer, ‘The Moral Standing of States: a Response to Four Critics,’ *Philosophy & Public Affairs*, 9 (1980): 209-229.

⁴ Richard Wasserstrom, review of *JUW*, *Harvard Law Review*, 92 (1978): 536-45; Gerald Doppelt, ‘Walzer’s Theory of Morality in International Relations,’ *Philosophy & Public Affairs*, 8 (1979): 3-26; David Luban, ‘Just War and Human Rights,’ *Philosophy & Public Affairs*, 9 (1980): 160-81; Charles Beitz, ‘Bounded Morality: justice and the state in world politics,’ *International Organization*, 33 (1979): 405-24.

⁵ Thus, my concern is with the second of those discourses enumerated by Dieter Janssen in his recent article ‘Preventive Defence and Forcible Regime Change: a Normative Assessment,’ *Journal of Military Ethics* 3 (2004): 105-28, pp 106-7. He distinguishes four in total, sometimes overlapping: 1) where ‘regime change’ is regarded as ‘an expression of the alleged neo-colonialist aspirations of today’s major powers’; 2) concerning ‘the question whether there is a right to live in a democracy and whether this right justifies pro-democratic intervention into foreign non-democratic countries’; 3) on ‘the problem of how to deal with regimes that are guilty of grave abuses of the fundamental rights of their own citizens,’ i.e. where regime change presents itself as an instrument for achieving successful humanitarian interventions; 4) as with the ‘official’ account discussed above, where forcible regime change ‘is discussed under the premise that changing an outwardly aggressive national regime might be necessary to ensure security and stability – either one’s own or of the whole international community.’ It is worth pointing out that only the third and fourth discourses are consistent with current international law; the second may be defensible morally or politically but not legally as things stand at the present time. The first discourse is the one from which Walzer’s critical deployment of Mill emerged.

⁶ Walzer, ‘The Moral Standing of States,’ pp. 210-11.

⁷ Endre Begby, ‘Liberty, Statehood, and Sovereignty: Walzer on Mill on Nonintervention,’ *Journal of Military Ethics*, 1 (2003): 46-62, p. 47.

⁸ Mill, ‘A Few Words on Nonintervention,’ *Dissertations and discussions: political, philosophical, and historical: reprinted chiefly from the Edinburgh and Westminster reviews*, volume 3 (London, 1875) p.175.

⁹ Walzer, *JUW*, p. 88.

¹⁰ Walzer, *JUW*, p. 88.

¹¹ See Jerome Slater and Terry Nardin (1986) ‘Nonintervention and Human Rights,’ *Journal of Politics*, 48: 86-96, p.87.

¹² Walzer, *JUW*, p.89.

¹³ Walzer, *JUW*, p. 90.

- ¹⁴ Walzer, 'The Moral Standing of States,' p. 211.
- ¹⁵ Walzer, 'The Moral Standing of States,' p. 212.
- ¹⁶ Walzer's argument as stated here is therefore an epistemological one, *viz.* that particular political cultures are mutually opaque. This view is open to the challenge, of course, that humanistic scholarship can gain a considerable degree of access and communication between even quite different cultures. Mill's argument (for which, see 2.a below) is quite different from Walzer's in this respect and is correspondingly stronger, *viz.* that *if we understood adequately* the culture in question, then we would also *understand* the 'fit' between community and government.
- ¹⁷ Walzer, 'The Moral Standing of States,' p. 212.
- ¹⁸ Walzer, 'The Moral Standing of States,' p. 213.
- ¹⁹ Walzer, 'The Moral Standing of States,' p. 213, n.7.
- ²⁰ As Walzer stressed in *JUW*.
- ²¹ Walzer reads Mill as having only admitted the first two exceptions but Begby (2003, p.51) argues that Mill implied the third too.
- ²² An idea supported by Mill's text. See Walzer, *JUW*, p.90 where he cites Mill's view on the limits to non-intervention.
- ²³ Walzer, 'The Moral Standing of States,' pp. 216-8.
- ²⁴ As Walzer calls them in, 'The Moral Standing of States,' p.216.
- ²⁵ Walzer, *JUW*, p. 90.
- ²⁶ See, for instance, Slater and Nardin (1986), p.86.
- ²⁷ Mill, 'Nonintervention,' p.174.
- ²⁸ Mill, 'Nonintervention,' p.175.
- ²⁹ Note that Mill only uses the term 'fit' in the sense of a 'fitness' to certain kinds of governments. It is Walzer who uses the word 'fit' to denote a congruity between community and the form of its government.
- ³⁰ Mill, *Considerations on Representative Government*, in *On Liberty, Representative Government, the Subjection of Women: Three Essays by John Stuart Mill* (Oxford University Press, 1946) p. 199.
- ³¹ Mill, 'Nonintervention,' p. 169.
- ³² See Pettit's discussion of contestation as an alternative to consent as the basis for governmental legitimacy and stability.
- ³³ Walzer, 'The Moral Standing of States,' p. 225. Walzer's view is similar to the organic view of political systems that Mill criticised in the first chapter of *Representative Government*. Mill sought to avoid both the purely deontological approach of normative theorists who deal only with the ideal and ignore empirical constraints *and* the overly conservative approach that emerges from regarding all constitutions as products of natural processes and circumstances effectively beyond human control.
- ³⁴ Walzer, 'The Moral Standing of States,' pp. 212, 216; Slater and Nardin, p.88
- ³⁵ Hannah Arendt's suggestion in *On Violence* (Harmondsworth, 1970) p.55, though she generally maintains that even totalitarian violence requires some 'power' to support it.
- ³⁶ David Hume, 'Of the First Principles of Government,' in *Essays, Moral, Political and Literary* (London, 1903); Arendt, *On Violence* pp. 40-2.
- ³⁷ *Representative Government*, p. 209.
- ³⁸ *Representative Government*, p. 175.
- ³⁹ On 'neo-Roman' political thought, see Quentin Skinner, *Liberty before Liberalism* (Cambridge, 1997).
- ⁴⁰ *Representative Government*, pp. 160-1.
- ⁴¹ On this theme in civic republican thought, see, for example, Quentin Skinner, 'Augustan Party Politics and Renaissance Constitutional Thought,' *Visions of Politics II: Renaissance Virtues* (Cambridge, 2002), pp.356, 359 and J. G. A. Pocock, *Barbarism and Religion III: The First Decline and Fall* (Cambridge, 2003).
- ⁴² Philip Pettit, *Republicanism: a Theory of Freedom and Government* (Oxford, 1997) pp. 99-102.

⁴³ For an alternative reading of Mill on this subject, see Stanley Kurtz, 'Democratic Imperialism: a Blueprint,' *Policy Review* 118 (2003) pp. 3-20. By reading Mill's *Considerations on Representative Government* as a response to the problem of democratisation in India (under the opposing influences of Burkean Orientalism and James Mill's authoritarian reformism) and by ignoring completely John Stuart Mill's 'Nonintervention,' Kurtz presents his as a source for a democratic imperialism in which the USA would manage the fate of Iraq based on a gradualist agenda for democratic reform.

⁴⁴ Mill, 'Nonintervention,' p. 173, my emphasis.

⁴⁵ Georges Sorel wrote that, 'Civil war has become very difficult since the discovery of new firearms and since the cutting of rectilinear streets in our capital cities. The recent events in Russia seem even to have shown that governments can count much more than was supposed on the energy of their officers; nearly all French politicians had predicted the imminent fall of tsarism at the time of the defeats in Manchuria, but the Russian army, in the presence of rioting, did not display the weakness shown by the French army during our revolutions; nearly everywhere, repression was rapid, effective and even merciless. The discussions which took place at the congress of social democrats at Jena show that the parliamentary socialists no longer count upon an armed struggle to take possession of the State.' *Reflections on Violence*, ed. Jeremy Jennings (Cambridge, 1999) p.66.

⁴⁶ Arendt, *On Violence*, p. 53.

⁴⁷ Mill, 'Nonintervention,' p. 173.

⁴⁸ Mill, 'Nonintervention,' p. 174.

⁴⁹ Mill, 'Nonintervention,' p. 175.

⁵⁰ Mill, 'Nonintervention,' p. 174.

⁵¹ Mill, 'Nonintervention,' p. 176.

⁵² Mill, 'Nonintervention,' p. 174.

⁵³ Arendt, *On Violence*, p. 53.

⁵⁴ Mill, 'Nonintervention,' p. 176.

⁵⁵ Walzer, 'The Moral Standing of States,' p. 217. This is different from JUW, where he says that questions of community and self-determination are pushed aside by the gravity of humanitarian concerns: he writes that in such cases, 'the violation of human rights within a set of boundaries is so terrible that it makes talk of community or self-determination or "arduous struggle" seem cynical and irrelevant, that is, in cases of enslavement or massacre.' (90)

⁵⁶ Walzer, 'The Moral Standing of States,' pp. 221-2.

⁵⁷ Lech Walesa claimed to have averted armed confrontation by persuading the president to revoke an order to send in the troops. Reported by Daniel McLaughlin in *The Observer*, 1 May 2005.