



# Aggression Abroad: Noninterventionism Without National Sovereignty

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## Introduction

Libertarians tend to be noninterventionists, and they often insist upon it as a matter of moral principle. Yet this might seem to rest on a mistake that libertarians would not make in any other domain. It is only through the idea of *national sovereignty* that one government can be said to aggress against another in humanitarian intervention. Otherwise, they cannot seriously claim to be aggressed upon by that violence meant to stop whatever repression has invited intervention. But this would be for that invaded government to claim their power as a matter of moral right, and libertarians should be especially attuned to seeing why this cannot be. If the authority claimed by states is mere moral fiction, this fiction is at least no *less* absurd when it is used to defend atrocities in progress.

The question I mean to consider here, then, is whether there can be a *moral* case for nonintervention, given libertarianism's insistence upon

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the total supremacy of individuals over whatever states happen to rule them. My answer is yes, and that case is found in an even more rigorous application of that same individualism that might seem to suggest a case for intervention.

After outlining libertarianism's moral individualism and what it involves, I move to its implications for war and intervention. The first is that the most straightforward noninterventionist argument, which is a collective application of non-aggression, indeed cannot be right, at least not when read as a moral principle. States are not sovereign, individuals are sovereign.

This, however, is not the end of the story: when we more consistently work through the implications of war as an interaction between many individuals, from all the individuals involved in the intervention and their choice points, to all the individuals affected in various different ways, the strong presumption against intervention returns even stronger. This is due to an honest accounting of the damage done to those in the invaded territory, including not just a single risk imposition, but making this a regular occurrence, and creating the conditions for new atrocities, even if these are done by rogue soldiers. Zooming out to a general policy of intervention makes it harder to justify any given intervention when we zoom back in, because the dynamic effects to citizens of the intervening country, their potential soldiers, and the rest of the world are severe. It is even less likely, then, for an intervention to overcome the demands of taking individual sovereignty seriously than it would be for intervention to overcome the demands of taking national sovereignty seriously.

The presumption is also stronger because it shifts from mere noninterventionism to a more robustly anti-war position. This is because much of the points raised will apply not only to foreign interventions, but also to many of the revolutions or collectively defensive wars that a noninterventionist might have thought justified.

As I stress, though, an anti-war position is against war, not against all violence, and not even against all organized violence. The problems considered will often either not apply or apply only in a much weaker way when we shift to forms of organized self-defense that do not raise to the level of war. Furthermore, a consistent application of moral individualism can allow us to endorse these instances of fighting even when they

happen alongside outright war, and even when they might be grouped with one or the other “side” of the war by outside observers.

This leads us back to a more general point running through the paper, to which I return explicitly in the conclusion. Despite heightened sensitivity to the fact that politics is interaction between individuals, even libertarians can find themselves caught thinking about states and what they do in a holistic way, and making the mistakes that come with that misframing. It is worth taking the time to think through each individual’s choices and obligations as the choices and obligations of individuals.

## Libertarian Individualism

Much of libertarianism is summarized by Auberon Herbert’s insistence that “what one man cannot morally do, a million of men cannot morally do, and government, representing many millions of men, cannot do” (1885). Similarly, Murray Rothbard argues that the real difference between libertarians and others is not that libertarians have stronger strictures against aggression than the average person, but that they apply it much more widely—namely, to governments (1973: 55–56).

This is what I have in mind by libertarianism’s moral individualism. It starts with the simple observation that the wheels of politics don’t turn on their own. Laws are written by legislators, signed by executives, and enforced by police, handing things over for sentencing by judges and juries, which is then carried out by prison authorities. They are not self-written lines of code guiding self-constructed machines or elaborate consequences of the weather, they are *patterns of human behavior*. At each step, there is a choice, and a person who has to make that choice. As with any other human choice, they are governed by first-order principles of morality. Since these choices are typically choices about what to do with or to other persons, they are governed by interpersonal morality.

If we do govern those choices by the standard rules of interpersonal morality, the implications are quite radical, as much of what we take to be a matter of course in modern politics would then be flatly unacceptable. Consider, for instance, that taxation is some persons taking another’s property, immigration restrictions involve some persons forcibly moving

another hundreds of miles away, and prohibitions typically lead to some persons throwing another in a cage, with no pretense that this confinement is defensive. If we judge these things by what persons can do to each other, we will rule them out.

One way of blocking these inferences is to say that states have *political authority*, to which its citizens have *political obligations*, and so there is more going on than just relations between individuals. On this framing, it is instead that each person at each step of state action is just that, an agent who acts on behalf of the state. If so, then it is not that *they* can tax other people, deport them, or imprison them, but that *the state* can, and that flesh and blood persons may do these things strictly when acting in service of the state. What is enforced here would be the obligations each person acted upon has to the state, in virtue of the state's right to obedience. Individual people may enforce that, it would follow, just as well as any person may enforce the rights of another.

If we maintain the basic insight of libertarian individualism, however, there will be very specific requirements for establishing this authority and the obligations that come alongside it. The state is an institution, and like any institution, it does not come into existence without the acts of flesh and blood people. If nothing else, then, setting up a state must be the sort of thing that individuals may do together, as judged by the standards of interpersonal morality. So too must it be a way that some persons can create obligations for others to this institution they have created. Otherwise, the state's authority cannot be claimed as a justification for the things persons later do through the state, as this would just be to compound one injustice onto another. Its authority must flow from some authority already present in individuals.

With this specific task in mind, it is hard to see how it could be met. This is because the goal, stated clearly, requires a moral transformation where certain human institutions enable persons properly situated to do things to other people that no one else is allowed to do, and to demand obedience from others simply to their say-so, in a way that no one else can. Importantly, this authority would not just extend over property that these persons have acquired in the usually legitimate ways, but across declared territory that includes both untouched land and the property of those they will now command. Stated so flatly, this reads like the claims

of an organized crime syndicate, and libertarians have made a point of pushing the comparison.<sup>1</sup> The kind of institution that the state would be, if we do not already build in the assumption that its authority is legitimate, is not one that individuals can justifiably come together and create, and so political authority and obligation are incompatible with libertarianism's moral individualism.

There are many intellectually serious attempts at squaring this circle, and justifying the state from within the strictures of interpersonal morality.<sup>2</sup> In what follows, I will assume that they fail. This is not to deny that the questions they pose are worthwhile, it is instead to consider many other worthwhile questions that only arise if they fail. My point here is about the implications of libertarianism's moral individualism in its most radical form, and so while I do think that that framework can be defended, reasons of space and focus keep me from defending it here.

Before moving on, it is also worth clarifying that this moral individualism does not require thinking that participation in a group can never change the moral context for the individuals in that group, or for others dealing with those individuals. Nothing I have said here, for instance, goes against theories of common or joint property justified on Lockean grounds.<sup>3</sup> There is no contradiction there, because property acquisition is something that each of those individuals could already do on their own, and so it is also something that they can do together by voluntarily binding their efforts together.

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<sup>1</sup> See especially Chapter 3 of Rothbard (1973). As a purely descriptive thesis, this comparison is not unique to libertarians who take it as a reason to oppose the state. See, for instance, Tilly (1985) and Olson (1993).

<sup>2</sup> Most significantly, see Part I of Nozick (1974), along with the reply in Rothbard (1982, Ch. 29). See also the discussion of associative theories in Van der Vossen (2011a, b). Outside of libertarianism, Kantian republicanism might be seen as a way of justifying authority that takes seriously the interpersonal dimension of politics. For this, see Kant (1797), Ripstein (2009), Varden (2009), and Daniel Layman's portion of Huemer and Layman (2022) along with the critiques in Christmas (2021) and Huemer's portion of Huemer and Layman (2022). Simmons (1981) and Huemer (2013) each survey and reject a large swath of attempts to justify authority.

<sup>3</sup> See Long (1998) and Christmas (2020). This differs essentially from creating a state in that those appropriating land or objects as property can do so only when it is not already held by others who refuse to accept this. For a dissenting view, see Spafford (2020), who takes *all* property claims to be assertions of political authority.

More significantly for some points I make below, consider also that group participation can shift moral context in a worse way for the individual agents involved. A first way that this might be so is in cases where an individual's act taken in isolation might be perfectly fine, but is made impermissible by their participation in a larger project. There is surely nothing wrong, generally speaking, with one stranger striking up a conversation with another when that other is willing. Yet there is something wrong with it when the first stranger is part of a bank heist, the second stranger is a security guard, and the conversation is meant to provide a distraction. Here, the conversation is a step in the heist just as surely as walking towards the vault, and the talker is culpable just as surely as the person grabbing the cash.

A second, closely related way that this might be so is that participation in a shared project might create certain risks, giving third parties reasons to treat individuals in that project differently. For example, one might claim that radical libertarians are inconsistent to oppose police militarization. After all, the argument might go, radical libertarians think people should have incredibly broad freedom to own weapons, so why should the police be any different? The contradiction here is only apparent, because, at least according to the radical libertarian, the police are regularly engaged in shared projects of seriously unjust aggression, and so obtaining certain weapons in the context of those projects is part of their aggression's path. Prohibiting the police from obtaining them can be defensive given that context.

Just as the appropriation of joint and common property is not at odds with libertarian individualism, neither is recognizing these shifts in moral context. As with the common property case, these involve cases in which the individual agents in question voluntarily entered into a shared project, giving them a kind of group agency.<sup>4</sup> This group agency does not

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<sup>4</sup> On group agency, see Gilbert (1990). While it is far beyond the scope of this chapter, I do not think there is a deep inconsistency with affirming that such group agency exists and also affirming methodological individualism in the ways libertarians generally do. It may be that groups act, but when they do, they always and only act *through individuals*, and our explanation of what those groups do must be spelled out in terms of what those individuals within them do and why.

exist without the shared project, which does not exist without the individual participation of group members. Those things that are true about them in virtue of the group agency context are also things that would be true if they could do what they are doing as a group on their own. For instance, theft is wrong for each individual in the heist, and so continuing in each step of the theft is wrong. It just happens that the talker is stealing in concert, and the step they are taking is creating a distraction. The group context is not a fundamental moral transformation, it is just a setting in which individuals are doing things already possible for them to do in principle, and our moral judgments of those things are the same as they would be if they were doing them on their own.

## Nations Are Not Sovereign, Individuals Are Sovereign

In defending noninterventionism, libertarians often argue from classical Just War theory. Ron Paul, the most prominent American libertarian politician in recent memory, frequently did so. It is easy to see the appeal. In his *The Revolution: A Manifesto*, Paul points out that the first requirement of Just War theory is that “there has to be an initial act of aggression, in response to which a just war may be waged” (2008: Ch. 2).

Similarly, 1996 and 2000 Libertarian Party Presidential Candidate Harry Browne says the following:

Most libertarians believe you shouldn't initiate force against someone who has never used force against you. Force is to be used only in self-defense. ... The same principles must apply to our nation – that it shouldn't use force against a nation that hasn't attacked us. (2003)

This has at least three benefits for the libertarian noninterventionist. First, it very clearly separates wars of the kind they oppose from those that they don't, and it does so in a principled way that rings true for commonsense morality. Second, as Browne highlights, there is a nice symmetry with libertarian arguments about domestic policy, which also

appeal to non-aggression. This is related to the third point, which is that the idea is at once both so commonsensical, and so seemingly fitting with other libertarian arguments that it can serve as a bridge to points in domestic politics. The intuitiveness of national sovereignty and collective self-determination can make the importance of individual sovereignty and self-determination clearer by analogy.

Unfortunately, this appeal cannot stand, except as a rhetorical ladder to be later thrown away, because individual sovereignty is incompatible with national sovereignty. As Fernando Tesón rightly notes, when we are outraged about the unjust invasion of states, “surely the state [only] matters because it is inhabited by persons” (2017: 26).<sup>5</sup> Tesón rightly continues that “individuals, not states, are the proper objects of moral concern” (2017: 26), drawing on a lighter version of the moral individualism I have just outlined, and concludes that “war has only one general justification: the defense of persons and their rights” (2017: 27, emphasis removed).

It is a short jump from there to note that those individuals are often most abused by those same states with which Just War theory morally conflates them, and so the real meaning of this concern motivating nonintervention can instead motivate intervention. This is important, because the clouded thinking that leads us to think of aggression and defense in terms of states can lead us to mistake a tyrant’s defense of their tyranny as defense of the people tyrannized, an error that Tesón poignantly calls “the Hegelian Myth” (2017: 28).<sup>6</sup> If a libertarian finds themselves implicitly standing up for Bashar al-Assad’s moral right to rule, surely something has gone very wrong, and this much Tesón well-diagnoses.<sup>7</sup>

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<sup>5</sup> All citations to “Tesón (2017)” refer to Tesón’s portion of Tesón and Van der Vossen (2017).

<sup>6</sup> I take no stand here on any implicit interpretations of Hegel in Tesón’s phrase.

<sup>7</sup> Similarly, Van Staden and Woode-Smith are correct in their basic contention that “to tyrants, the answer is ‘no’: [t]hey do not get to deprive anyone of their freedom” (2022: 21). Like Tesón, Van Staden and Woode-Smith present what is in part meant as a libertarian defense of humanitarian intervention. However, their case is part of a much broader defense of self-described imperialism, which raises many issues beyond the intended scope of this chapter, and so I instead focus my discussion on Tesón, who is more narrowly invested in defending humanitarian intervention. What I say here, though, will apply equally to Van Staden and Woode-Smith, since their proposals will involve greater willingness to use military force. For



Responding directly to Tesón, Bas van der Vossen agrees that the noninterventionist Just War doctrine cannot be right as traditionally formulated, since the governments most likely to find themselves invaded in humanitarian intervention are brutal tyrants, who surely cannot legitimately claim to represent their victims' collective self-determination (2017: 174).<sup>8</sup> However, where Tesón takes national sovereignty to be wholly irrelevant, Van der Vossen preserves a minimal role for it. When we are not talking about horrific tyrants, a *group political code* might emerge, in which the people of a given country live by standards that emerge from their own values (2017: 181). This code can emerge either through majority voting or other, non-tyrannical aggregation methods (2017: 182). It is a means of preserving internal peace and living together, and thus important to those persons from which it emerges (2017: 186).

The problem with Van der Vossen's limited defense of national sovereignty's relevance is that it either collapses into an application of Tesón's exclusive concern for individuals, or it falls prey once again to the problems with traditional Just War theory.

For the first horn of this dilemma, notice the line of dependency: sovereignty matters *because* it is a way of preserving group political codes, and group political codes matter *because* they are a conventional means of preserving internal peace and living together, which matters *because* this means the individuals living in that territory will live safer and better lives. If this is the reason we don't want to disrupt the functioning of a group political code, then saying we care about that is just a particular way of saying that we care about the risks to those individuals. Ultimately, it is just the individuals that matter, and sovereignty has no independent moral priority. If the interests of the individuals in question cut the other way, then the grounds of sovereignty move out from under it, and it falls apart as a block against intervention. In other words, the presumption here can only be a presumption already present in wholly individualist considerations.

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reasons to doubt the internal coherence of a "libertarian imperialism," however, see Coyne (2022) generally.

<sup>8</sup> All citations to "Van der Vossen (2017)" refer to Van der Vossen's portion of Tesón and Van der Vossen (2017).

For the second horn, suppose that sovereignty persists even in the face of individual interests cutting the other way. If this is so, then it affords a moral importance to mere majority vote or whatever other aggregation method is used, over and above that of the individuals subject to the results of that aggregation method. If reliance on this group political code has resulted in a substantive violation of some members' rights, then those members are being aggressed against. To give the sovereignty of this government real moral weight, even in its aggression against individuals living under it, and even when that sovereignty is not serving to protect individuals from downstream problems of the code's disruption, is to fall prey once again to Tesón's Hegelian Myth. Without legitimate moral grounds, all we have left is that state's sovereignty as a floating abstraction authorizing a moral right to tyrannize.

One problem with Tesón's individualist case for the in-principle justifiability of ideal interventions is that it does not go far enough. He distinguishes between genocidal tyrants, ordinary tyrants, and kleptocrats and argues that only the first two are even ideally, in-principle open for invasion, because "the use of force [against kleptocrats] would surely be disproportionate" (2017: 36–38). I am not sure why this is supposed to be so.

Surely it is legitimate to use force to stop an ordinary mugging or robbery, so it is not clear why the systematic fleecing of the people would be any different. In making the general case for intervention, Tesón appeals to the thought experiment of a big green button that would costlessly "instantly discontinue all rights violations" (2017: 46). Since it is hard to see why this would be wrong, even if an outsider pressed the button, then intervention must be in-principle permissible, at least until we get to consequentialist and *jus in bello* considerations about its actual execution (2017: 46–49). Yet assuming property rights are moral rights, then this button would also end property rights violations, and so if the button shows the in-principle permissibility of the interventions Tesón seeks to defend, then it also shows the in-principle permissibility of interventions against kleptocrats.

In fact, it shows a fair bit more. In very different contexts from Tesón, Rothbard also appealed to a near-identical button scenario, insisting that libertarians must be prepared to "push the button for instantaneous

abolition of [all] unjust invasions of liberty” (1966: 8). Here, the point was to emphasize that laws constituting aggression should be immediately abolished, rather than gradually. As mentioned previously, radical libertarians of Rothbard’s stripe hold that aggression includes a massive amount of state activity that is usually taken to be a matter of course. Rothbard’s button then applies quite widely, and since it is effectively the same as Tesón’s button, so does Tesón’s button if we accept a radical version of libertarian moral individualism. Thus, the in-principle permissibility of ideal interventions must also be for a very, very wide number of cases.

I think this result is correct. It seems to me that if Canada had the power and the will, they would be fully within their rights to come down from British Columbia, through Washington and Oregon to California, and force the state government to abolish all zoning laws and strictly prohibit any in the future. Limiting what a person can build upon their own property without infringing on the property rights of anyone else is surely an aggression, and so surely the victims of zoning laws can be defended. Of course, *if* the intervention happened in a way that resulted in outright bloodshed, and *especially* if this is not just from recalcitrant legislators or members of the California National Guard, but also from ordinary Californians, then the calculations would be different. But there it would be the final calculations that would be different, not the principle of the matter.

While there is a certain sense in which much of the previous paragraph is true, I hope that it struck you as absurd. More specifically, I hope that it struck you not just as absurd in the trivial way that Canada is not going to invade the United States, and no one is going to invade anyone over zoning laws. It should also strike you as *morally absurd*.

The sense in which this invasion is in-principle justified is not too far from the sense in which it is in-principle justified for me to weave through traffic on the highway going the opposite direction at double the speed of the next fastest car. In the realm of ideas, we can imagine a person in many ways like me but whose driving skills were so good that they could do this without ever scraping a single car. So too could we imagine other drivers who would rationally assess the situation and know not to change anything they were doing, such that my driving did not

disrupt theirs and cause other accidents. Yet the person imagined here is not me, it is not you, and it is not anyone that either of us know, nor are the other people on that hypothetical highway anyone that we would recognize. What I would *actually be doing* if I tried to perform this stunt would be something fundamentally different from the imagined drive, and it would be morally evaluable in fundamentally different terms. If I actually tried to do this, it would be absurd to say that “what I did was permissible in-principle,” because this is an absurd interpretation of what it is that I have done.

This is what provokes the reaction that the aforementioned liberation of California should provoke. It is a moral absurdity to reduce the scenario to the mere question of whether zoning laws are aggression, because countless acts of violence ignored by my paragraph would be involved by near-necessity. It also commits the Canadian military to reshape itself and its mission in ways that will have consequences far beyond this one invasion. The decision to invade is a series of decisions like that, it is not the decision to narrowly defend Californians against zoning laws.

Unless you are paying Bay Area rent, zoning does not feel like an issue that calls out for humanitarian intervention. In debates like Tesón and Van der Vossen’s, much graver things are in discussion. Yet the point still holds that the decision to intervene is not the decision to surgically apply exactly the amount of force necessary and proportionate to stop some act of aggression. It is a decision to bring about countless acts of violence, including many that have nothing to do with the initial aggression, to reshape the social environment where that fighting is happening, and to maintain a very particular kind of fighting force. It is also a decision to do all that with a dubious chance at success.

It is easier to see this point when we think about an example where the need to do something by any means necessary isn’t so deeply felt. We should carry it into discussions where that need is felt, because the basic nature of the thing being done does not change based on our sense of urgency in doing it.<sup>9</sup>

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<sup>9</sup> One noteworthy feature of writing by libertarians seeking to justify humanitarian intervention is that the large majority of it is spent at a relatively high level of abstraction, focused on

## Respecting Individual Sovereignty

While there are clear benefits for libertarian noninterventionists to the national sovereignty framing, there are also costs. I have already mentioned two: first, that it is incompatible with moral individualism, and second, that it can lead to sanctifying the rule of tyrants. Another is that it can distract from the real damage war does to perfectly innocent individuals.

It is one conversation to think of, say, “the United States” attacking “Iraq,” as if Iraq is just a giant Saddam Hussein and the United States is just a giant George W. Bush. We could assess this Iraq’s liability to violence, and whether this United States has the standing to deal out that violence. This discussion could go much the same as a conversation about whether George W. Bush could rightly tackle Saddam Hussein in a convenience store if Hussein looked like he was about to commit a robbery.

But military interventions are not the sort of thing that can be properly modeled as one, cohesive entity attacking another, cohesive entity and fighting it out. They are an executive or legislature issuing orders to attack, received by Generals who then plot a course for other soldiers to strike in some territory held by other soldiers under an enemy leader, or where insurgents reside. These strikes are targeted at those enemies, but given the nature of attack, almost certainly affect the persons or property of others not affiliated with the relevant enemy.

When we disaggregate the senders and recipients of violence here, as libertarian individualism requires us to do, we see important issues

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questions like national sovereignty, the universal applicability of individual rights, or whether interventions require majority consent in the intervened-upon nations (Tesón 2017; Van Staden and Woode-Smith 2022). Rarely do the hard realities of what these interventions involve get clear discussion, except in brief acknowledgements that interventions should not be pursued too hastily (Van Staden and Woode-Smith 2022: 18), still quite abstract discussions of the Doctrine of Double-Effect and similar principles (Tesón 2017: 108–118), considerations about international law (Tesón 2005: 16–19), and occasionally in noticing how past failures and horrors have made the public wary of intervention (Tesón 2017: 145–150; Van Staden and Woode-Smith 2022: 15–18). Much of what I say in the remainder of this chapter can be read as emphasizing why such minimal treatment of that reality is insufficient. See Van der Vossen (2017: 165–171) for a similar point about how the reality that renders intervention unjust is obscured by focusing on relatively high levels of abstraction.

that have nothing to do with something like “the United States” and its standing to attack anything like “Iraq.” Each person in the fuller picture has agency, and the significance of this point will be discussed in the following section. Additionally, each recipient of violence must be accounted for when accounting for the morality of the project.

Rothbard stresses this second point when he considers how we would judge defenders in more individualized cases if those cases really were analogous to warfare:

If Jones finds that his property is being stolen by Smith, he has the right to repel him and try to catch him; but he has no right to repel him by bombing a building and murdering innocent people or to catch him by spraying machine gun fire into an innocent crowd. ... Jones has no right, any more than does Smith, to aggress against anyone else in the course of his ‘just war’: to steal others’ property in order to finance his pursuit, to conscript others into his posse by use of violence or to kill others in the course of his struggle to capture the Smith forces. .... In fact, if Smith’s crime was theft, and Jones should use conscription to catch him, or should kill others in the pursuit, Jones becomes more of a criminal than Smith, for such crimes against another person as enslavement and murder are surely far worse than theft. (1963: 117–118)<sup>10</sup>

The denial of national sovereignty and rejection of traditional Just War theory that flows from libertarian individualism, then, does not entail friendliness to intervention. This is because the violence involved in intervention is not just violence against tyrants and the armies that prop up their tyranny. Those are aggressors, and the interventionist is

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<sup>10</sup> Tesón, somewhat perplexingly, reads this passage from Rothbard as saying that violence can never be justifiably used in defense of property rights. To illustrate this, he claims that for Rothbard, you cannot forcibly remove someone who has wandered into your house, and must allow them to sleep on your couch with no more than a verbal request to leave (2022: 445). As the first line in the text I quoted here suggests, Rothbard thinks no such thing. See Gordon (2022) for more on Tesón’s misinterpretation. There is also some irony in Tesón misinterpreting Rothbard in this specific way, given that Tesón himself makes a point to say that kleptocrats are not liable intervention even in principle, and determines whether intervention is justifiable at least in principle by the green button test, which is about costlessly terminating all rights violations. While it is surely not what Tesón intended, it seems that the conjunction of this claim and his Green Button argument *would* imply that property rights cannot be defended with force.

right that they are morally liable to violence. It is also violence that strikes against third parties that nearly *everyone* agrees are not liable to violence.<sup>11</sup> These individuals have rights, and so the attack that maims or kills them violates their rights. *This* is the aggression of intervention, not the violence falling on those same individuals' prior aggressors.

While this is the core of the principled case against intervention, it is admittedly more complicated than what I have said so far. This is because, even in more individualized cases, it is plausible that sometimes violence falling on non-aggressors can be legitimate when it is an unintended consequence of defensive violence. Roderick Long provides a vivid example: supposing that a shooter in progress has a baby strapped to his chest, it still seems that I can shoot the shooter, even though there is a very high chance that a stray bullet might kill the baby (2002: 10–11).

Exactly this sort of point is raised by those who defend wars in spite of the collateral damage that spills over onto innocent third parties. The most common version of the point is as I just stated it: that this damage can be acceptable when it is a foreseen, but not intended result of the violence.<sup>12</sup> This is called the “Doctrine of Double-Effect,” because its core claim distinguishes between intended and foreseen effects, and allows the significance and goodness of the former to sometimes justify acceptance of even otherwise unjust instances of the latter. While it would have been wrong to just aim directly at the baby for the purpose of killing the baby, it might be acceptable to fire at the shooter even though you know it might kill the baby.<sup>13</sup>

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<sup>11</sup> For an exception, see McMahan (2009: Ch. 5).

<sup>12</sup> To understand the difference between intention and foresight, intended effects are those that you actually seek to bring about, whereas merely foreseen effects are those that you do not seek to bring about, but nonetheless take your action with acceptance that they will happen. If the intended effect didn't come to pass, you'd be upset. If the unintended yet foreseen effect didn't come to pass, you'd be relieved.

<sup>13</sup> It is important to clarify that this distinction is not about weighing harms, but about when harms are allowed to be weighed. For example, the Doctrine of Double-Effect does not allow shooting the baby for the purpose of killing the baby for the further purpose of shocking the shooter long enough to apprehend him. That violence that falls on the non-threatening party, in this case the baby, must be as a foreseen side-effect of your action, not an intended direct effect.

However, Long doesn't raise the Doctrine of Double-Effect to defend the collateral damage found in modern warfare. He does so to emphasize that even the strongest case for it fails. According to the Doctrine of Double-Effect, this justification requires much more than *just* that the bad effect was merely foreseen, and came alongside a good effect. One might also stop the shooter by setting off a nuclear bomb, for example. In such a case, the intended effect would be to stop the shooter, and everything the bomb would do to everyone else for several miles would be merely foreseen. But this wouldn't make the moral cut the way just firing a gun at the shooter would.<sup>14</sup>

The difference is found in the other traditional requirements of the Doctrine of Double-Effect, which are that the ill effect is pretty small compared to the good one, the good effect has a high probability of success, the act that produces both effects makes a great contribution to the good effect, and that there isn't a better, realistic option for that effect. When we make the case more like modern warfare, the Doctrine of Double-Effect defense starts to erode, as when “[the shooter] is shielded not just by one baby but a whole city of babies; or if there's some doubt as to whether... [the shooter] is actually in the city; or if... [the shooter] is just one cog in a military machine, his individual contribution to the total threat being fairly small; or if there are other ways of taking... [the shooter] out without bombing the city” (2002: 11).

Of particular interest is the condition that there must be a reasonable chance of success in the broader project. If we look at humanitarian interventions in general, the record is fairly bleak. According to empirical work cited by Van der Vossen, interventions only succeed 30 percent of the time overall, 15 percent of the time in unfavorable circumstances, and half the time in the most favorable circumstances (2017: 233). These

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<sup>14</sup> This nuclear bomb example is mine, not Long's. Additionally, there are many ways of assessing the justice of collateral damage other than the Doctrine of Double-Effect, and the Doctrine of Double-Effect faces no shortage of criticisms. See McIntyre (2019) on the Doctrine of Double-Effect, and Lazar (2020) for the ethics of war generally, which discusses different ways of dealing with collateral damage. Since my aim here is specifically to assess the consequences of libertarian individualism, I take the Doctrine of Double-Effect as representative for ways collateral damage might be made consistent with rights. A fuller analysis of collateral damage, strictly focused on that question, would need to say much more than I do here.



are not the kind of numbers that make metaphorically shooting so close to so many babies sound like such a good idea.

This should not be surprising for libertarians. Militaries, especially of the kind likely to be intervening, are gargantuan bureaucratic organizations, and so face all the usual problems faced by bureaucratic organizations. When their task is to enter real world conflicts that emerge from real world societies with long, complicated histories, and fix them from afar, they are attempting a top-down reconstruction of the world that libertarians ordinarily recognize as a fatal conceit. That general conceit is at the very least no less fatal when it is done with tanks, and bombs and air raids (Coyne and Mathers 2010).<sup>15</sup>

Of course, it is still possible that any given intervention will work out. Some have. There is an interesting philosophical question as to whether rights are violated in cases that hinge on the intervention's success, our best evidence suggests ahead of time that the intervention will be a failure, and yet the intervention turns out alright. Van der Vossen and Tesón spend a good deal of time on this question, with Van der Vossen saying that what matters for whether rights were violated is whether success looked likely ahead of time (2017: Ch. 10), and Tesón saying that what matters is whether success is actually achieved (2017: 118–128).

While this question is interesting in its own right, we will have a very strong moral presumption against intervention either way, assuming we have good reasons for the pessimistic empirical presumption. It is plausible enough that no rights, at least not in the sense that libertarians usually mean by “rights,” are violated by risky behavior that actually turns out fine. Suppose this is true. Before we get to that lucky outcome, both the agent engaging in the behavior that brings it about and others have sufficient reason to treat what's happening near-identically to how they would treat behavior that does violate rights.

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<sup>15</sup> For an insightful analysis of these dynamics applied to the American invasion and occupation of Afghanistan, see Lambert et al.(2021). For the general point here, see Coyne (2008, 2022). Van der Vossen (2017, Ch. 11) also surveys several structural reasons for why we should expect interventions to fail. Of course, I do not pretend that the very little I have said here comes close to establishing these points. I am assuming that the generally pessimistic assessment of interventionism is true. If empirical reality is significantly different, this will have significant effects on the argument of this section.

For instance, suppose that Samantha tries to stop an active shooter by accelerating her car into a crowd of several people that contains the shooter. She and everyone else has good reason to believe that this will probably hit and maybe kill some of those other people, and also that the shooter himself could easily get away, given where exactly the shooter is standing. As it turns out, the innocents all narrowly leapt out of her way, the shooter somehow did not see her coming, and so he was knocked over with the gun flying across the room.

In terms of Samantha herself, it may well be true in the abstract that what she was doing violated no rights. Nonetheless, it expresses severe disrespect for those persons whose rights she had good reason to believe she would be violating. Our reckless savior has factored in the high probability that these other persons' rights will be violated, and found that fact so insignificant that she didn't let it stop her, even knowing that her chance at success was very low. This expresses an inhumane, not humanitarian, attitude towards those other persons. To do this is to wrong those other persons, and this is for reasons that will not change even if all ends up going well.

Perhaps instead she did not factor in that probability, and this is because she did not evaluate the situation according to the best evidence reasonably available to her. Say that she knows there are a lot of people nearby somewhere, but not exactly where, her hat has fallen over her eyes, she has a sense that *maybe* the shooter is in front of her, and she does not move her hat from over her eyes before just slamming on the accelerator and hoping for the best. Here it cannot be said that she expressed disrespect by not letting the high probability of others' rights being violated stop her, because she did not know that there was in fact a high probability that others' rights would be violated. She didn't see them. However, that's only because she didn't move her hat out of the way first.

The general point here is that for the case to be a case of the kind we have in mind, the agent's ignorance will be because they were forming their beliefs in an epistemically irresponsible way. Given that they do so when other people's lives were on the line, this also expresses disrespect: they so minimally valued others' rights that they recklessly evaluated the evidence at hand. Samantha did not even care about the other people in the room enough to grab her hat. This is the same problem as before, just

at one step back. Here again, disrespect is expressed, and the would-be victims are wronged even if they end up physically unvictimized.

On both counts, this is sufficient reason for would-be interveners to not intervene in those relevantly analogous cases when their evidence points to improbable success. Hence, reckless yet lucky interveners are doing something close enough to violating rights even if they are not actually violating rights, at least from the perspective of how this should bear on their deliberation in the moment.

Incidentally, so too are they doing something close enough to violating rights from the deliberative perspective of third parties. Third parties cannot see the future, let alone all the possible futures. Even in something so clear as one person lifting a gun to shoot another at point blank range, they do not have direct access to whether the gun will have a freak failure to fire this time, whether the victim will miraculously duck at just the right moment, or whether what looks like it's going to happen will happen in any other ways. They only have direct access to what's happening now, and what looks like it's going to happen. They are justified, then, in acting to stop it and doing so with what would be proportional force.

This might seem inconsistent with the outcome-relative view that we are taking on for the sake of argument. In the example just given, if the gun was about to have a freak misfire, then no rights would have actually been violated, and so a third party that stopped them with force would not be defending anyone's rights in fact, and so would be an aggressor in fact. Perhaps. But not in a sense that matters: since they prevented whatever was really going to happen from happening, we don't know what was going to happen. We know only what our best evidence tells us. Just as they were guided to act by their best evidence, others are also guided to act by their best evidence. So, those others are not in a position to demand that this third party pay restitution for the force used, nor does that third party have any reason to feel guilt after the fact. From everyone's deliberative perspective, they should treat an apparent rights violation in progress exactly as they would treat an actual rights violation, and that which is not an apparent rights violation in progress exactly how they would treat those things that are not actual rights violations.

Accordingly, a strong presumption against intervention does not depend on the question of whether we go with the evidence-relative or outcome-relative view for whether rights really were violated in reckless yet lucky interventions. If I drove the way described near the end of Section III, this would wrong others on the road in what it expresses about them and their value. If another person had the power to stop me, they should do so, and any other person who could stop them from stopping me should not do so. Things are exactly as if I was violating rights, even if I am not, and the possible world where I am not stopped really is one where I get through without causing a single scratch.

The same is true of lucky yet reckless interventions. If we respect individual sovereignty, we will not go down that path for all the same reasons we will not violate their rights.

## War Zones and the Illusion of Control

Return to the baby-laden shooter.

Another significant difference between this case and war is that it is a single, one-off instance in which this hard choice must be made. Once you take care of the shooter, it's not as though another one is going to come down from the ceiling strapped with another baby. Other survivors will no doubt be traumatized, but this is a single traumatic instance. They do not find themselves in another baby-laden shooter situation every other time they go to the mall. Even if your bullet killed the baby, you know that it will not keep going and split off into still further bullets that will kill still further babies.

It is one choice, and the variables are what they are when you make the choice. Generally speaking, this situation is not shared by agents who find themselves in a conflict lasting long enough to warrant the title of war. They face not one choice, but many, and are choosing not a single instance of violence, but to generate a pattern of violence, often that they cannot predict.

So, the choice is not whether to subject others to being part of the calculation in an instance of tactical violence, it is whether to subject them to repeatedly being part of many calculations in many instances of

tactical violence, the vast majority of which are not directly controlled by the original chooser.

Here again, the way we talk about the ethics of war can conceal this fact. Even in the previous section, the way I talked about the choice to intervene or not treated it as if it was one act of violence that fell on some number of morally liable parties and also on some number of parties without that liability, which then achieves its objective or not.

There is nothing wrong in talking this way, and it can be necessary for simplifying the discussion to certain key points. Yet we shouldn't forget the obvious: interventions are not events where the Commander-in-Chief personally drops one big bomb over the enemy. Typically, they are an objective determined by the Commander-in-Chief, turned into orders for some military officials, who then turn those into other orders, which eventually still further soldiers carry out. Then, enemy combatants will respond, frequently in ways that the interveners would not expect, and this will require the interveners to reassess, regroup, and do something else.

The first choice point had its own questions of collateral damage to consider. Then we have some more with the second, the third, the fourth, and so on. These are not the same decision, they are not based on the same information or conditions, and they are not made by the same agent.

The illusion of a single calculation comes from blending together many different agent's positions, as we are invited to do when we think in terms like "the United States" and "Iraq."

From the perspective of each soldier who carries out an order, there is the decision of whether they should personally use force in a given way at a given moment. If their orders tell them to do so, they still must decide whether they will follow their orders. In the heat of a particular moment, it may be that after making a quick decision to strike with some potential for collateral damage, they need to choose again whether to do that same thing a few minutes later. At no point are they deciding from the perspective of the project as a whole.

From the perspective of those officers that develop a particular plan of attack, they must construct it given a set of probabilities about how it might actually go. This will be done with awareness of many different

ways it could or even likely would result in collateral damage. Some of these probabilities will be accepted and chosen. Yet they are not making the decision to commit each individual instance of violence that makes up that attack once it actually happens. That is in the ground-level, or often sky-level, soldiers' hands.

Accordingly, one set of the contingencies that officers must have in mind when forming their plans is what situations soldiers might find themselves in as a result of the plan, and what those soldiers might actually do in those situations, including in ones that have serious effects on noncombatants. Another set of contingencies is how the enemy will react, which will also have serious effects on noncombatants. They obviously do not control the enemy, and even for their own soldiers, there are still moments of choice that must be made by the particular soldiers themselves. Thus, the uncertainties branch in a way that the risk from each individual instance of violence might not. Nonetheless, these officers are still choosing from the perspective of particular plans of attack, not whether to intervene or not in the first place.

The Commander-in-Chief or legislature, as much as anyone, does make the decision to intervene or not. For them, the choice set is closest to the one imagined in the preceding discussion: what should we do, given our evidence as to how many lives will be lost from one choice or another, along with whose lives are lost in which choice and how. Yet it is precisely when the choice is most unified in this way that it becomes least calculable. Their decision branches off in countless different directions, with each following agent in the line of command making new choices that the prior chooser cannot mechanically control. At each step, these choices can have the potential for collateral damage. So too do they have the potential to provoke enemy reactions, which also have the potential for collateral damage.

Now consider the condition of those in the intervened-upon area. They are not just subject to a single instance of risk that their person, property, or loved ones will be damaged or destroyed. They are subject to a regular, recurring, and often indefinite risk that this will happen. Harm was not just thrust their way. Their lives, for the time being, just are lives in harm's way.

There are at least three serious harms here that are not captured by the framing of a one-off, unified instance of risk. The first is the most obvious: that there are more opportunities to be harmed, and more ways that they could be harmed. This dramatically adds to the uncertainty of intervention, and so multiplies the strength of the noninterventionist presumption defended in the previous section.

A second is that the ever-present possibility of harm restricts their freedom in a way that the single instance of risk does not. If there is only one attack, even a reckless attack, either it hits you or it doesn't, and those consequences can then be addressed. If the risk of serious bodily harm is ever-present, this requires you to retool your life to avoid that damage. You will have to move out of the area if you want to escape, and often you will be prevented from doing that. While trapped, the meaningful functioning of civil society is at best severely limited. Third, there is the psychological strain from recurring traumatic events and the heightened sensitivity to anything that might signal such an event.

Here, then, the decision to intervene includes another wrong beyond those discussed in the previous section. This is *the creation of war zones*. Call a "war zone" any geographic area in which tactical violence of the kind requiring calculations of collateral damage becomes a regular occurrence. This wrong is over and above the lethal or bodily damage that persons in the intervened-upon nation actually suffer, and so it strengthens the presumption against nonintervention beyond the points of Section IV.

The wrong committed here by those who decide to intervene must be clarified on at least two points. First, they are obviously not responsible for what those agents under their command later go on to choose in one and the same sense as those latter agents are themselves responsible for it. They are even more obviously not responsible for what the enemy does in response in the same sense that the enemy is responsible.

However, it doesn't follow that they are not responsible for anything about those downstream consequences. This is because valuing those in the intervened-upon area means valuing how their lives will go as a result of your choice, not just the effects of your choice for which you are personally responsible. If you neglect to consider those effects, you

are certainly responsible for that neglect. This point will be even more important for the next section, so I will return to it there.

Second, for very many of the cases where intervention will be on the table, there is already a war zone. When the intervener's forces enter that war zone, they cannot be said to create it, and thus much of what I've just said will not apply.

Even still, these points remain relevant. A first reason is that while there might be war zones in the intervened-upon territory, the intervention will often create new war zones. In even the bloodiest civil wars, not every city of a nation is engulfed in a war zone at all times. When new parties join the war, its war zones can expand.

That first reason relates to the second. It is not only wrong to create a war zone, it is also wrong to *inflame* one. By inflaming a war zone, I mean significantly increasing the occasions for tactical violence that must make calculations about collateral damage in an area that is already a war zone. This intensifies the aforementioned harms from war zones, and so many of the reasons initially creating the war zone will also apply to intensifying it.

Of course, the interventionist will agree that war zones are an injustice. The point, they will continue, is to put a stop to them as quickly as possible. It may be that an intervening force's entry to the war briefly intensifies the war zone, but the thought is that this is a tradeoff between that intensification followed by a quicker end to a much longer, ultimately deadlier alternative.

The problem with this reply mirrors the problem with the individualist defense of interventionism. There is a sense in which it is surely true that it is in-principle acceptable to violently intervene to throw the water on a war zone in progress, even if that will briefly mean a big, final flare of it. Yet whether this is a serious option will depend upon whether the interveners can realistically expect success in that aim, and if it is not, then their trying to do so ends up being a fundamentally different action.

The typical reasons that interventions are unlikely to succeed, and that interveners are likely to overestimate their probability of success, apply just as much when those interventions are meant to put the fire out on a preexisting war zone. More actors in the war zone raises the



complexity, and so also the unpredictability. Sometimes, this feeds on itself, as when new interventions can lead to counterinterventions from still further, oppositely aligned outside powers.

## Jus Ad Bellum in Light of Predictable Violations of Jus In Bello

The discussion of warfare in the previous section was still a bit idealized, even after disaggregating the many different choices of an intervention. This is because I still assumed that each agent performed their step of violence in good faith, deliberating in terms of how to minimize collateral damage while achieving the broader aims of their side's war effort. This is not the case in real world warfare.

This is significant, because it shows a way in which an individualist framework complicates the traditional separation between *jus ad bellum* and *jus in bello*.

*Jus ad bellum* refers to justice in the choice of whether to fight a war in the first place, *jus in bello* to justice in the actual prosecution of that war effort. To see how these might come apart, suppose that the nation of Ruritania invades Waldavia, purely for the purpose of business-friendly regime change, but their war effort is carried out with civilian damage kept strictly within the bounds allowed by the Doctrine of Double-Effect, to a world-historically consistent degree. Then, suppose that Waldavian forces engage in a campaign of terror bombings across Ruritania, deliberately targeting civilians for the purpose of getting the Ruritarians to stop their own invasion. If traditional Just War theory were true, then the Ruritarians would fail in terms of *jus ad bellum*, since theirs was an aggressive war. In terms of *jus in bello*, though, they would be fine, because civilian life was maximally respected in the pursuit of their objective. By contrast, Waldavians seem to be perfectly fine in terms of *jus ad bellum*, but fail to meet *jus in bello*. The cause of repelling Ruritanian aggression is a just one, but it is being sought in a gravely unjust way.

At least, that is the traditional story for how these issues can be divided. From the individualist perspective, however, there is far more entanglement between the two.

One way that this is so is explored by Jeff McMahan (2009). If we consider the moral position of combatants to be that of individuals engaged in physical violence, which of course is exactly what their position is, then it seems that those combatants whose operation fails in terms of *jus ad bellum* cannot *possibly* satisfy the requirements of *jus in bello*. The violence they are engaged in is unjust to begin with, and so they are aggressors even when they attack enemy soldiers, just as surely a mugger acts unjustly when countering a punch from their victim trying to flee. Additionally, they cannot justify the foreseen ill effects of their violence by appeal to the intended good effects, as the Doctrine of Double-Effect requires, because of course the “good” intended effect was itself unjust.<sup>16</sup>

This point has been discussed at length.<sup>17</sup> What I want to note here is that there are also complications in the other direction: the *jus ad bellum* standing of a war whose cause may be just when taken purely in the abstract can fall into question given significant enough failures of *jus in bello* that are easily foreseeable.

Consider the example I just gave, in which Waldavia attempts to repel Ruritanian forces by going out and massacring Ruritanian civilians. There is a sense in which this can be called defense, in that the Waldavian administration’s ultimate desire is to be rid of the Ruritanians. Yet something sounds off about saying that they are defending themselves:

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<sup>16</sup> In mentioning McMahan, I do not mean to suggest that his individualism about the ethics of war is exactly the same as mine. It is not. Here are three significant differences: First, he is not a libertarian, and so it is not grounded in a broader libertarian framework. Second, the claims I defend here would entail a much less favorable moral position for combatants in the relatively more just, or less unjust, side of a war than his. Third, I cannot agree with his position that civilians in the worse side of the war’s nation bear some degree of complicity and thus liability to violence, even if this is greatly attenuated. There may be very specific civilians for which this is true, but they are special cases. To give them this liability as a general rule requires, I think, collectivist assumptions that sit poorly with the main points of McMahan’s approach. Nevertheless, there is enough significant overlap in McMahan’s individualism and mine that his point here is worth mention.

<sup>17</sup> For a critical assessment of McMahan’s point, see Lazar (2010).

they are not even aiming to strike their aggressors, they are aiming to strike peaceful third parties.

We feel pulled in both directions because while the Waldavians' cause is that of defense, it is not really a conflict with Ruritanian forces waged in defense, it is a terror campaign for the cause of repelling Ruritanians. *Jus ad bellum* requirements are about the just cause of war between two military forces, they are not requirements for the just cause of a terror campaign, because there can be no just cause for a terror campaign. The Waldavians, then, cannot be said to meet *jus ad bellum* and lack *jus in bello*, because their failures of *jus in bello* are so profound that they fundamentally change what it is that they are doing. If the thing *jus ad bellum* standards are taken to justify is no longer that which we are talking about in a given case, then *jus ad bellum* standards lose their context and can no longer be used to justify it.

What the individualist framework can help us to see is that the thing *jus ad bellum* standards are meant to justify, intentional attacks against military targets (with foreseen but unintended damage to civilians), is so idealized a description of war that it becomes ideological in the pejorative sense.

Remember again the core point of the previous section: one nation attacking another is not one, unified person attacking another, it is one person directing many other people to direct still further people to go attack a different set of people over an extended stretch of time. Each person involved is an agent, facing a wide array of choices that are not mechanically determined by the agent above them in the chain of command.

The result of this is something quite different from many soldiers carrying out the orders of their officers in good faith, with those orders constructed to achieve the objectives laid down by the Commander-in-Chief in good faith, which were in turn determined in accordance with and unwaveringly faithful to *jus ad bellum* standards. It is one question to ask whether that sort of thing could be justified by usual *jus ad bellum* standards, but that thing is not war as we know it. It is not even war as we know it with a handful of regrettable yet reasonably unforeseeable exceptions where various moments of the war effort fail *jus in bello*.

War as we know it involves signing on to violations of *jus in bello*.

It is trivially easy to find examples. Most Americans who were alive for the Bush era are familiar enough with Abu Ghraib, a military prison in Iraq where members of the military and CIA severely abused detainees, humiliating them throughout and taking photos with fresh corpses. From that same war, Chelsea Manning brought to the world a video that showed American soldiers attacking and killing clearly unarmed targets and laughing about it. In the occupation of Afghanistan, the American-allied Afghan Security Forces routinely raped and abused children, and American soldiers were instructed to ignore it. These incidents followed from the First Gulf War, in which Coalition forces openly bombed civilian infrastructure. In the United States invasion of Viet Nam, there was the infamous My Lai massacre, in which hundreds of unarmed civilians were murdered, raped, and mutilated by American soldiers. At the highest levels of decision-making, the Allies in World War II eventually resorted to deliberate terror attacks on civilians in the thousands by fire-bombing Dresden, which later raised to hundreds of thousands in the fire-bombing Tokyo and eventual nuclear attacks on Hiroshima and Nagasaki.

Jus ad bellum standards cannot be cleanly disentangled from the reality that the decision to go to war is the decision to violate jus in bello, at least for anything approximating war in the real world. Determining a just cause for events like those described above is a fool's errand, because there can be no just cause for events like those described above.

Here a critic can quite plausibly push back: it is unfair to judge a project as fundamentally wrong due to its execution, even horrific execution, especially when that execution is through other agents operating against higher orders. It would be absurd to suggest that a high school teacher who uses his class to recruit students into a criminal organization thereby renders setting up the school or teaching that class wrong in principle. If the administration had no way of knowing, they are morally blameless. The administration's project was running a school, not a recruiting grounds for a criminal organization. So too, one might continue, even these egregious violations of jus in bello cannot change the project embarked upon, which was war of the kind that jus ad bellum standards can usefully judge.

The problem with this reply is that these are not isolated incidents of a kind that could not have been reasonably foreseen. I have not chosen American examples because American forces are especially prone to such abuses; they are not. Rather, it is to show such incidents' sheer ubiquity, that even liberal democracies going to war effectively means certain atrocity.<sup>18</sup>

The fog of war is a known structural issue that dependably creates both the circumstances and cover for abuse. So too with occupation. Even UN Peacekeepers are notorious for sexual exploitation and rape (Lee and Bartels 2020). In terms of the higher levels of decision-making, committing to the project of war or occupation means committing to a project where there will be constant temptation to pursue one's ends in less and less scrupulous manners.

It is less like the rogue teacher case so-described, and more like one where this teacher had a known history quite like this, and in which the students were known to be at risk for a life of crime. Perhaps even more accurate is a case in which this were not just one teacher, but many, with the school continually taking steps that were lackluster at best in containing the problem, and more often than not focused on covering it up. In that kind of a case, it would not be so absurd to say that their project had shifted from the fundamentally good one of starting a school to the fundamentally unjust one of creating a recruitment office for criminal organizations. To defend the school's activity by appeal to the goods of education, and to treat the execution of that good as a regrettable failure that must be addressed but does not ultimately condemn the project would be to give the project cover through misdescription.

This is what I mean by saying that the hard separation of *jus ad bellum* and *jus in bello* discussions requires idealization to the point of ideology.<sup>19</sup> For states to commit to participation in a war means for them to commit to a pattern of violence that is necessarily unpredictable, and

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<sup>18</sup> In fairness, I have also chosen them given my own relative familiarity with the United States.

<sup>19</sup> While I would disagree both with the scope of his thesis and some of his examples, my argument here is structurally similar to the general one about ideal theory and ideology made by Charles Mills (2005). See also Levy (2016) for related ideas. With respect to war in particular, these points also align with Larry May's version of contingent pacifism (2018), which argues that while war may be justifiable in the abstract, they are unlikely to be justified in circumstances likely to obtain today.

which will provide opportunity for more transparently unjust instances of aggression throughout the affected area. This is not the kind of thing that is justified in principle by ordinary *jus ad bellum* standards, whether those would include allowing for humanitarian interventions or not. The presumption against intervention, then, rises still further, because it means knowingly imposing atrocity. Perhaps that can be justified, but if so, it requires much more than would imposing an idealized war. Discussing war without the near-necessitated *jus in bello* violations in mind blinds us to this.<sup>20</sup>

## A Standing Army of Invisible Injustices

The decision to intervene also takes place, and must take place, within the context of a prior, ongoing injustice. What the individualist framework helps us to see is that the choice point of whether to intervene is also the agent's one opportunity to choose whether to dig in deeper with that injustice.

That background injustice, presupposed by the very ability to choose whether to intervene, is maintaining a strong standing army. More accurately, maintaining a strong standing army is a bundle of injustices, and the choice to intervene presupposes that they are ongoing.

One of these that will jump out for many libertarians is that it is funded by taxation, as Rothbard surely has in mind when he mentions that Jones has no right “to steal others’ property in order to finance his pursuit” of Smith in his analogy (1963: 118). I will not dwell on this here, for a few reasons.

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<sup>20</sup> Here again it is worth observing how the reality of war is often ignored or not given serious weight in the writing of libertarians who defend interventionism. Notice, for instance, that Abu Ghraib and other U.S. atrocities do not receive mention in Fernando Tesón's brief reflection on how the Iraq War actually went (2017: 145–150). Similarly, Van Staden and Woode-Smith do mention the “over 27,000 Boer civilians [who] died in concentration camps set up by the British occupiers of South Africa,” and “the carnage of [the U.S.-Viet Nam] war on the Vietnamese,” along with how these atrocities left British and American citizens feeling morally discomfited by their empires, but do not stop to seriously consider whether the judgment behind that discomfort might have been correct in virtue of its cause.

First, because taxation will probably strike many interventionists as a very weak concern. Second, because while I don't think it is a weak concern, it does strike me the wrong way around to be more concerned about war because it is funded by taxation than to be concerned about taxation because it funds war. While both ends of that dependence are bad, war is the worse injustice. Third, because this is non-unique among state programs, and even getting rid of the military would not get rid of taxation. If background taxation were the *only* concern with humanitarian intervention, it would be extremely reasonable for the libertarian interventionist to rightly observe that the injustice is in the original taking, not in spending money that the state already has, and to say it is better to spend that money on stopping mass-murder and overturning tyranny than on many other things the state would spend it on.

I will note in passing, however, that this is one place where you cannot be a conscientious objector: even the most ardent pacifist will have their earnings conscripted into wars and occupations.

A second, persistent problem with the military as it exists is that there is a sense in which even the modern army of volunteers is a fighting force of slaves. It is a unique case in which specific performance contracts are still accepted for labor, and once you join the military, it becomes illegal to quit your job without express permission. The only way "desertion" is punished in other professions is getting fired.

It may be that this is the only way for a military to function. If this is so, then that is all the worse for having a military that functions. Even if every soldier joined clear-eyedly, no contract can terminate the human person in which their self-ownership or individual sovereignty is grounded, and so our rights that block forced labor cannot be alienated even by initial agreement.<sup>21</sup> Just as we would say of any other employer, the military cannot hold its workers in bondage. In the United States, this feature of the military is made even worse by the regular recruitment of high school students.<sup>22</sup>

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<sup>21</sup> For a defense of this inalienability, and its application to contracts, see Long (1994b), Evers (1977), Barnett (1986) and Rothbard (1982: Ch. 13).

<sup>22</sup> See the ACLU's *Soldiers of Misfortune* report on this practice for more information (2008).

These soldiers are of course not just bound to a job against their will, they are in many instances bound to serious risk of death. Those who see combat and live often leave with post-traumatic stress disorder, along with one or another warped relationship to their moral emotions called moral injury. One form of moral injury is profound, debilitating guilt that makes it difficult to function. Another is to simply harden oneself to lose all affective response to objectively horrific events. This second kind of moral injury Ned Dobos calls “moral degradation,” and it is a predictable result of the conditioning a standing army needs to ensure its soldiers can be trusted to kill (2022: 24).

The injustice to these soldiers themselves is clear, as they have been held against their will to a job that left them scarred either physically or psychologically. That injustice also holds downstream consequences of its own. Many veterans join the police when they return home, and in the United States, they are nearly three times more likely to fire their weapons at civilians than non-veterans (Gonzalez et al. 2019). These factors also accord with higher incidence of domestic violence (Kwan et al. 2020), along with other kinds of violent crime (Cesur et al. 2022). In her *Bring the War Home*, Kathleen Belew describes how the history of far-right paramilitary groups in the United States finds its beginnings in disillusioned veterans (2019). Maintaining a military, especially one that is regularly used for intervention, spells a constant cycle of violent social dysfunction.

These effects on and through soldiers themselves are not the only way wars abroad turn to domestic injustice. Economists Chris Coyne and Abigail Hall discuss the “boomerang effect,” by which the tools of social control developed for the prosecution of war and occupation lead to greater social control in the invading nation. This occurs through three channels: the war’s development of human capital, by creating experts tasked with breaking an unfriendly population to their will, organizational dynamics that lead those same experts to positions of power, and the war’s development of physical capital, which lowers the cost of innovation in the tools of social control (2018: 30–42). Among the results



of this boomerang effect are massive surveillance on citizens and the militarization of the police (2018: Ch. 4; Ch. 5).<sup>23</sup>

Notably, these effects are less the result of any particular intervention than they are from what each intervention presupposes, which is a military strong enough to carry out those interventions. From the perspective of each agent actually positioned to decide whether to intervene, they will have reason to hold these conditions fixed when thinking through their choice set. They are not deciding whether to intervene in a civil war or to abolish the military, they are deciding whether to intervene in that civil war. This makes the injustices inherent to the military invisible, as they are not salient to the particular decision being made when taken narrowly in isolation. With those failures of *jus ante bellum* left unseen, our judgment about the *jus ad bellum* of any given war are further skewed in its favor.<sup>24</sup>

Moreover, the very dynamics of the problem itself will intensify the skew. With the failure of each intervention, there will be a higher probability of a genuine humanitarian crisis, which itself will call out for still further intervention.<sup>25</sup> The first American War in Iraq leads the second, which then leads to the rise of the Islamic State. At each stage, those with decision-making power will have reason to think that regardless of how we got to this point, *now* the stakes are too high to restrain the military power we have. In many long, drawn-out occupations, the same factors

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<sup>23</sup> These two paragraphs are just the smallest survey of domestic issues from intervention and the military necessary to provide it. See also Coyne and Hall's *Manufacturing Militarism* (2021), on the propaganda efforts to sustain support for military involvements, and Dobos's discussion of the penetration of martial values into civilian life (2022: Ch. 5).

<sup>24</sup> I borrow this phrase "jus ante bellum" from Dobos, whose book presents a sustained argument to the effect that maintaining a standing army is unjust (2022).

<sup>25</sup> There is a structural similarity here to the problem Ludwig von Mises outlines for economic interventionism: a first intervention creates downstream economic problems, which then call out for some other intervention, which of course creates further problems down the line and so the cycle continues. Mises's claim is that this wheel keeps turning in such a way that makes a well-focused "middle-of-the-road" policy between *laissez-faire* and socialism or something very near it a deeply unstable equilibrium. Interventions will keep piling up to a level those first interventionists would have understood to be inefficient (1940). We might say here that this same kind of dynamic makes a foreign policy of limited, wise, and surgical military interventions a deeply unstable equilibrium: our options are really only principled nonintervention or permanent war.

will make a withdrawal look unconscionable. Taken in isolation, it will often be hard to argue with these judgments.<sup>26</sup>

That is exactly the problem: it is hard to argue with those judgments when taken in isolation, because these seemingly singularly horrific stakes often really are that horrific. It's just that those horrors are the real effects of a process that any intervention carried out in response would worsen. The circumstances provoking any given intervention and the general practice of intervention are intimately interconnected. If we are not prepared to reject intervention in seemingly extreme cases, then, we are unlikely to reject intervention at all, because we will continue to be presented with genuinely extreme cases. This is especially so when we remember that each agent who makes the ultimate decision to intervene cannot control what their successors will do. If things don't work, as they probably won't, the next decision-maker will not have learned the lesson, and so they will have reason to treat their case as radically unique and intervene.

The alternative is to make visible the broader process, revealing also the standing bundle of injustices to which it is so closely tethered. Once we see the injustices flowing from the military itself, and the constant cycle of injustice abroad, the choice set changes. Restraint in the face of cases that seem to call out for intervention allows us to scale back reliance on the power of an institution that dependably creates these persistent background injustices.

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<sup>26</sup> Sometimes noninterventionists try to argue with them by simply downplaying the seriousness of a crisis. While calls for intervention often do come with inflated propaganda, this kind of reply should always come with significant reflection and care. Being wrong can produce the appearance that noninterventionism rests on a kind of heartlessness or naïveté about authoritarian regimes and other genuinely monstrous forces. This perhaps reaches its most absurd when the anti-war movement of a nation that could intervene in an ongoing conflict finds themselves at odds with the native anti-war movement of the side that would be intervened against: in such a case, overreliance on this rhetorical strategy from noninterventionists in the potentially intervening nation can lead them to lend support for the war effort already actually in progress. It is often better, then, to focus on the broad problems with wars as-such and the dynamic effects of intervention as a regular practice, than to get bogged down in the weeds of any particular conflict. Propaganda should be resisted, but there are real monsters, and the case against war should never require us to pretend otherwise.

## Beyond Noninterventionism

At this point, a critic might argue that my case has proven too much: the considerations I've laid out apply not only to interventions, they apply to all wars. Thus, my position becomes a pacifist one, not a noninterventionist one. While I avoid the pacifist label for reasons discussed in the next section, I am willing to bite most of this bullet. It is true that these considerations also give us reason for a weaker, but still very present presumption against wars of national defense, independence, and revolution, which many noninterventionists would prefer to accept.

The presumption against wars of national defense is weaker, because much of what I have said above either does not apply or applies much less to forces fighting those. Armies fighting wars of national defense within their own territory are likely to know that terrain much better, both geographically and culturally. The aftermath of occupation is not one that they will have to deal with, either. When making hard choices about collateral damage, they will not only be in a much better position to make them accurately, they will also be much more motivated to do so. They are not bringing about war zones, the war zones have been brought to them. Their inflammation of the war zone has a much more credible claim than outside interveners' to being a brief flare up that we can accept in putting out the fire. Moreover, national defense does not require nearly the same level of military capability, nor the same perpetual military commitment, as the globally-minded aims of interventionism. Without any appeal to national sovereignty, these are factors that raise the bar much higher for intervention than for national defense.

However, there is still a bar, and the common assumption that surely any war waged in national defense is one we can automatically judge as just at least in principle cannot be right. The most obvious reason is one that many interventionists would be happy to point out: wars of national defense are often fought first as a defense of governments and their power, and this can be directly at odds with the interests of the civilian population. The United States invasion of Iraq was unjust, and so was the defensive war waged by Saddam Hussein's government.

Even in the case of less overtly authoritarian governments, and even for liberal democracies, there is reason to not so quickly and unreservedly

suggest that of course all defensive wars are thereby just. Often, they will involve strikes back into the invader's homeland, not just holding ground within the defender's own territory. When this happens, the same problems for any invasion reappear, as they will much more recklessly accept collateral damage and create war zones in the nation whose government originally invaded them.<sup>27</sup> Civilians who face the brunt of that violence are still civilians, regardless of whether their government struck first against the one now invading them.

So too can wars of defense create the pretext for a militarist establishment to increase their power, made even more plausible to those they govern by being against a very real threat. With that pretext, the state can show itself with the worst of horrors. It is not uncommon for invaded states to clamp down on all "military-age males," trapping them in the invaded territory so that they may be conscripted if deemed necessary. The wartime dehumanization of ethnic and religious groups associated with the invading government can also turn inward, as seen in the American internment of Japanese-Americans during World War II.

When we stop seeing wars as conflicts between two large, cohesive entities against one another, and start to see them as conflicts waged by decision-makers in one government directing their forces against another, with effects that spill over to many other individuals, the justice of national defense is no longer a given. This is because the commonsense morality of interpersonal violence has lost context, and we are not talking about a human victim striking back to stop a human attacker. We are talking about one organization striking at another organization, through many particular persons, sometimes involuntarily, and with plenty of other persons standing in-between. It is not all commonsensical that this sort of thing would so necessarily be justified due to which organization acted first.

Here we approach Rothbard's view, which is that "all government wars are unjust, although some governments have less unjust claims in the sense that they might have," which he then clarifies to the position that all government-fought wars are unjust because what it would take for

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<sup>27</sup> It may even be that personal resentment and collectivist assignments of blame lead these responding invaders to significantly greater recklessness and cruelty than they would commit in an otherwise similar invasion.

them to be just will not be met in the real world (Rothbard and Liggio 1973). For him, these include: “(1) There were no taxes imposed; (2) No innocent civilians got killed; (3) Nobody got conscripted—in other words, it was a purely voluntary fight” (Rothbard and Liggio 1973). My claims here are somewhat weaker than his, because I set aside the issue of background taxation, and also grant the potential permissibility of collateral damage, albeit under conditions that wars are very unlikely to meet.

At the same time, my conclusion is ultimately stronger than Rothbard’s. This is because I see no reason to limit the point to “government wars,” as much of what I said above applies just as well to wars waged by entities that do not or do not *yet* qualify as governments.

This is not just a semantic quibble. While I know of no instance of Rothbard endorsing any side of a war between well-established governments, he did support revolutions, wars of independence, and wars of national liberation. For him, “a just war exists when a people tries to ward off the threat of coercive domination by another people, or to overthrow an already-existing domination” (1999a: 119, emphasis removed). When it came to war efforts that could be so-framed, he seemed to grant automatic license.

For example, Rothbard granted that there were “two wars in American history that were ... assuredly and unquestionably proper and just,” and that these were the American cause in the American Revolution, and the Confederate cause in the Civil War (1999a: 199). His rationale really was as simple as it sounds: those who want to break away from a government may do so, and when the original government comes to coerce them back, this is aggression, which may be responded to with a war waged in collective defense.

There are many problems with this view, and spelling them out is instructive for seeing why revolutions and wars of independence do not escape the general problems for war.

Notice first that exempting Rothbard’s exceptions from the phrase “government wars” is a bit suspect. The Continental Congress and Confederate States had certainly declared themselves to be governments, and were doing a good deal of the things done by governments. This

also meant violating those conditions by which Rothbard ruled out “government wars.”

During the Civil War, the Confederacy imposed an income tax and practiced conscription. It was also no stranger to atrocity, as in the Fort Pillow Massacre where Union soldiers trying to surrender were simply murdered, especially if they were Black. There is also the obvious fact that will occur to many readers, which is that the Confederacy sought to maintain the institution of slavery, which surely constitutes maintaining domination.

While it is less obviously so, the newborn United States also fail the test. The Americans practiced conscription despite their complaints about British Naval impressment, and of course funded the effort through taxation. Once soldiers found themselves in Washington’s Army, discipline was maintained through brutal punishments like flogging. So too did the air of Revolution involve its fair share of attacks on British Loyalists and war-dissenters.

Rothbard himself bemoans that “Washington set out to transform a people’s army, uniquely suited for a libertarian revolution, into another orthodox and despotically ruled statist force after the familiar European model” (1999b: 1157). Yet this should be unsurprising. If for some reason we wish to deny that the newborn Confederate and American governments were governments, they were at the very least governments in waiting. War consolidates power, and it is naïve to think starting out with the goal of breaking from some other power means that things will go differently.

Furthermore, one does not have to be a Burkean to see that there are special risks with revolutions. In revolutions, civil wars, and wars of independence, there are likely to be plenty of people in the same territory who favor opposing sides of the conflict. During war, this is likely to mean attacks on loyalists to the existing regime by revolutionaries, and attacks on friends of the revolution by the existing regime. The personal resentment felt by opposing forces in such a conflict can fuel a special ruthlessness, and after the war, this can lead to special repression with a sense of righteousness.

Part of Fernando Tesón's argument for humanitarian intervention is by an "equivalence thesis" with revolution: if unjust tyrants can be overthrown in revolutions, then they do not have sovereignty, which then cannot block intervention from the outside as well (2017: Ch. 3). I am happy to agree, but an argument from the equivalence thesis can also be run the other direction. The carnage of war that makes it seriously unjust does not flow only out of less sympathetic justifications. Some wars are certainly more unjust than others, and so too are certain sides of the same war. Yet participation in the war itself means participation in near certain aggression, and that we must reject.

## **Something Less Than Pacifism, in Light of Something Less Than War**

One way of describing positions quite like the one I've defended here is "contingent pacifism." This is because positions so-named involve a total rejection of war, not just particular kinds of wars, but do so due to contingent features of war.

Perhaps this fits my view. I defend a very strong presumption against war across the board, one that wars of the real world are unlikely to overcome. The sweeping rejection of war in practice might make it "pacifism," and the fact that it is about war in practice rather than all those wars we might imagine would make it merely "contingent."

However, this is not how I would choose to describe myself, for at least two reasons. First, the term "pacifism" is often colloquially used to describe a Tolstoyan rejection of all interpersonal violence in general, including self-defense and defense of others. This is not my view, and I think it is important to make clear that it is not my view.

There is a sense in which I would say that there is a presumption against all violence whatsoever, but only in the sense that if you could satisfy the same purpose without that violence with no significant cost, it is better to do so. Even pure, unimpeachable defensive violence should not be taken lightly. Yet it is trivially easy to think of times where this presumption is overridden, and in which it is perfectly fine to defend oneself or another with violence so rapidly that it comes more from

instinct than reflection. This is not the kind of presumption I have in mind when I say that there is a very strong presumption against war, and that it is one that no kind of war is likely to overcome.

The presumption against all war is of a kind where any war you see is one that you should judge to be unjust, until you are given extraordinary evidence to the contrary. The presumption against all violence, by contrast, is more for the agent to consider when they have time to do so. In a moment when they do not have this time to reflect, they should presume themselves justified to act within reasonably proportional violence. If you see a person defending themselves with reasonably proportional violence against aggression, *your* presumption as an outside observer should be that this is justified, until you are given extraordinary evidence to the contrary.

Indeed, much of my argument depends on emphasizing the radical difference between more limited interpersonal instances of violence and anything worth calling war. It would not serve this argument to then affiliate with a term that many take to suggest rejecting all violence even in those more limited, interpersonal instances.

Second, I am also happy to grant the legitimacy of certain kinds of *fighting in or amidst wars*, even if I am not so willing to grant the legitimacy of *fighting wars*. I am not sure how this fits with “pacifism,” even when understood clearly to refer only to the total rejection of war. I myself consider it compatible with a total rejection of war, but I could certainly imagine someone who might reasonably not, and I would rather argue about substance than semantics.

Here is what I have in mind. When one nation invades another, it is often not just the invaded nation’s formal military that fights invaders. It is also ordinary civilians, sometimes in less formally organized forces, willing to shoot back or otherwise violently frustrate the invasion. Remember, for example, the almost certainly apocryphal but nonetheless illustrative “quote,” purportedly from Japanese Admiral Isoroku Yamamoto, that “you cannot invade the mainland of the United States, as there would be a rifle behind each blade of grass.” It is easy to grasp the idea of private civilians, not affiliated with any actual military, engaged in sporadic instances of violence, sometimes coordinated with each other and sometimes not.



I don't know when such strategies are more effective or less, but what I am emphasizing here is just that such activity could be perfectly well justified. Remember everything I said above about why the problems I outlined for interventions apply much weaker for wars of national defense: familiarity with terrain both geographic and cultural, greater awareness of the stakes, a much greater personal interest in steering clear of unnecessary collateral damage, and the fact that war zones have already been imposed upon them. All of these things apply just as much to fighting in or amidst the war not from the formal military. In fact, they arguably apply even stronger, as they are more likely to be intimately familiar with the very particular region of the territory they are in, and more personally connected to the people whose lives they consider in decisions of tactical violence.

By contrast, the reasons for still worrying about wars of national defense do not apply, or at least apply much more weakly, to such fighting. Even when these civilians coordinate themselves as groups, once they successfully repel the invaders, they are not going to hop on a plane and follow them back into the invading nation's territory. They are much less likely or even capable of conscripting others into their project. Regardless of whatever personal loyalties they might have, they are not agents of states that exist, nor of states that stand in waiting.<sup>28</sup> They dissolve immediately when the fighting dissolves, perhaps even when the fighting in their particular part of the territory dissolves.<sup>29</sup>

This is not to say that there are no dangers whatsoever with this kind of fighting. It is, unfortunately, not at all difficult to imagine rogue ultra-nationalists that end up committing atrocities as part of their informal resistance to an invading army. So too is it easy to imagine a case where

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<sup>28</sup> What about when these forces coordinate with governments or governments in waiting? Here things get very complicated very fast, but there is no necessary problem as long as the point at which their projects converge is neither itself unjust nor directly involved with some other injustice.

<sup>29</sup> See Long (1994a), Hummel (2001), Stromberg (2003), Coyne and Goodman (2020), and Alshamy et al. (2023) for related themes. Additionally, I am very friendly to nonviolent forms of shared defense, such as those offered by Gene Sharp (1990). Nothing in this section should be taken to suggest I find them defective, the reason I do not discuss them here is because I am here defending the permissibility of non-militarist violence, even within or amidst wars. For more on Sharp and his work, see Ammons and Coyne (2018), along with Dobos's defense (2022: 137–156).

such groups are loyal to a tyrant in power, and so obediently serve that tyrant's interests pro bono. Perhaps also what starts as a fighting force of coordinated civilians slowly evolves into an upstart military of its own, and perhaps they get ideas that lead towards a state of their own.

These things are certainly possible. The difference is that they are possibilities to look out for, not persistent pathologies. For that reason, we can feel about such fighting the way most people feel about war: sometimes it's unfortunate yet heroically just, other times it's an egregious evil. The point is that we do not have to have the same kind of presumption against it that we do to war.

In fact, just as this mimics wars of national defense without much of the moral danger, so too could variations of it mimic revolution or intervention. In civil conflicts, informal yet coordinated fighting might occur against a tyrant's forces. Other times, someone from elsewhere in the world will be so moved by the situation at hand that they personally take themselves to it and join with loose militias that exist somewhere between random civilians and formal militaries.

There are increased dangers when we move to these cases analogous to revolution and intervention from the version most analogous to national defense. Civil conflicts means many perceived enemies you resent within your midst—again, consider loyalists of the regime in times of revolution. This creates real, unique risks. In terms of those who join a conflict from afar, they will lack the local knowledge and personal stakes that those they join have. Yet these risks still pale in comparison to those in analogous wars with formal militaries. For instance, volunteers from afar will be integrated into groups largely made up of locals, and so their fighting will be socialized towards the way those locals fight, with readier access to local knowledge.

It might be asked how I can endorse fighting that happens amidst and in wars without endorsing fighting wars. Those fighting in this way surely see themselves as part of the war, and when we discuss the events of that war after the fact, they would come up as well. Their acts are not incidental, unrelated events to the broader conflict. They are in the war.

But here again, the individualist framework is illuminating. A defense of fighting in or amidst war need not be a defense of fighting the war, because the war is a particular project waged by a particular group of

people who have bound themselves in a particular way. To join in that group agency, and thus to share its moral nature requires more than merely being on the same “side.” It requires a participation in the organization, its decision procedures, and its project. When the military fighting the war plots out its course, it sends its troops, not these independent fighters. We cannot group them together morally on the basis of a shared sense of subjective identity, nor in that their goals are shared when viewed in terms of a big picture.

It is clear enough that an individual farmer standing guard over his land while a war is on does not thereby engage in war in any sense that my analysis would suggest is objectionable. This doesn't change when he is joined by several of his friends.

## Conclusion: Nonintervention Without Illusions

As I have argued elsewhere, the fundamental insight of libertarianism is that the political is interpersonal (Byas 2019). Government, in other words, is just another word for the things we do to each other, and so it must be judged as we would judge doing those things in other contexts.

It is true enough that this reveals a serious error with the most common case for nonintervention: nations are not sovereign, individuals are sovereign. When any state abuses the rights of its people, this is just people aggressing against other people. No one can ever have a right to aggress against others, and the individualist paradigm reveals national sovereignty to be nothing more than an ideological illusion through which some individuals try to claim such a right. It may be ignored by anyone able to step in and defend the rights of their victims against that aggression.

The problem is that this is not what intervention involves, as is also revealed by the individualist framework. The thought that it is can only persist as an ideological illusion of its own, in which the conflict is framed as one military attacking another. What that shorthand conceals is that the intervention is many people embarking on a project to do violence against some other group of people, and to do so in ways that end up

falling on still further people as well. When we take seriously those still further people and their rights, the recklessness of intervention renders it little more than aggression of its own.

Things are worse still when we consider that intervention is not just one act of violence. That, too, is an illusion. Intervention is instead many acts of violence, taken by many different people, over an extended period of time. Those whose government has been intervened upon, then, are now subject to a persistent risk of death or serious bodily injury. This continuous threat against them, and its coercive threat upon their lives, must also be rejected.

A third illusion of interventionism is that what we must justify to justify intervention is just an acceptance of foreseen yet unintended harms that fall upon innocents in the course of attacking their government. What must be justified is also an acceptance of the fact that innocents will be deliberately killed or otherwise abused. These atrocities may be from individual soldiers who have gone predictably rogue in the fog of war, or they may be ordered by superiors from ever-boiling frustration. The question of whether war can be justified cannot be considered in terms that do not describe war.

The fourth, most deeply buried illusion of intervention is the moral isolation of the choice to intervene. Heads of state don't just find themselves presented with a choice to intervene or not, years after some wholly unrelated yet similar choice faced by their predecessor and years before some wholly unrelated yet similar choice faced by their successor. These are not the only morally significant choices in play here: there is also a choice of whether to accept the broader policy of intervention, and whether to accept everything that comes with the power to do so. When those considerations are no longer held fixed, the choice to intervene requires an acceptance not only of the aforementioned injustices, but also a continuing acceptance of many other injustices that are made no less real by their invisibility.

Of course any individual is within their rights to stop another's aggression, and they may use proportional force to do so. This much does not depend on whether the aggressor holds a badge or stands in front of a flag, and nor does it depend on whether the would-be defender does. This fact, however, has very little to do with the projects of aggression we

know as war. It can only appear this way when the massive complexity of individuals and those choices they actually face is compressed into the moral fiction of states. To reject equating individuals with the states that rule them, then, must mean a rejection of war.

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