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The Moralization of International Politics: Humanitarian Intervention and its Critics

A succession of “complex emergen-
cies” or “new wars” in the 1990s shat-
tered any optimism that the end of the
Cold War might lead to a more peace-
ful world order. From so-called “failed
states” such as Somalia, Liberia, Sierra
Leone and Sudan, to ethnic cleansing
and mass slaughter in Iraq, Cambodia,
Bosnia, Rwanda, and Darfur, the world
seemed to witness the return to
Hobbesian conditions of bellum omni-
um contra omnes. Life for many, if not
all, individuals in these war zones had
become “nasty, brutish and short” as
states and societies collapsed under the
pressure of chronic economic priva-
tion, incivility and widespread vio-
ence. «Masterless men», to use
Hobbes’s term, daily committed war
crimes, crimes against humanity and
crimes against peace, and as a result
political and moral order disintegrat-
ed, making it ever more difficult for
humanity to progress towards the hu-
mane and civilized international rela-
tions Immanuel Kant envisaged as per-
petual peace.

To combat human suffering in the
face of such inhumane scenarios, in-
ternational society mounted what be-
came known as “humanitarian inter-
ventions” – the coercive interference
in the domestic jurisdiction of a sover-
eign state for the purpose of ending
large-scale human rights abuses. In the
1990s, to end what Ken Booth calls
large-scale “human wrongs”, the United
Nations sanctioned a series of coer-
cive interventions on humanitarian
grounds, including Iraq in 1991, So-
malia in 1992, Bosnia in 1992-93, and
Rwanda in 1994, among many others.
But, more than any of these cases, it
was NATO’s 1999 armed intervention
in Kosovo without a UN mandate that
highlighted the moral and political
questions raised by this alleged new
right (some say duty) of humanitarian
intervention. Kosovo revealed, better
than any other international event of
the decade, the growing tendency of
political leaders, diplomats and civil-
ians to analyse, judge and act in inter-
national politics from a moral point of
view.

For defenders of NATO’s actions,
the use of force was an urgent and le-
gitimate, if not entirely lawful, re-
sponse to the political violence being
inflicted on Kosovar Albanians by Ser-
bia; it was a war in defence of human-
ity and human rights. This willingness
to legitimate military action with
moral arguments was in itself not new
to international relations. But it was
notable for an arena of human activity

1 The author would like to thank Luke Glanville for providing helpful comments. He would also like to
thank Edward Keene, Ian Hunter and Ryan Walter for providing comments on an earlier draft of the ar-
ticle.
2 K. BOOTH, Human Wrongs in International Relations, in «International Affairs», 71, 1, 1995, pp. 103-
126.
where moral discourse often succumbs to the predations of power politics. So although moral discourse had never entirely vacated international relations, it had not acquired such standing since the interwar years. A moral impulse seemed to awaken with the advent of globalization and global mass media, as reports and images of human suffering were beamed into the living rooms of empathetic Western publics who urged their governments to “do something” in the face of political violence and human suffering. After the wretched failures of Bosnia and Rwanda, NATO’s Kosovo intervention seemed emblematic of a growing “moralization of international politics”.

I borrow this phrase from David Rieff, an insightful and intelligent analyst of the post-Cold War terrain of international conflict, who has explained humanitarianism as part of a broader “post-Cold War moralization of international politics”. According to Rieff, NATO’s Kosovo war “was undertaken more in the name of human rights and moral obligation than out of any traditional conception of national interest”. UK Prime Minister Tony Blair and US President Bill Clinton both sought to justify the intervention by appeal to humanitarian values. Rieff quotes from former UN Secretary-General, Javier Perez de Cuellar asserting in 1991 that, «We are clearly witnessing what is probably an irresistible shift in public attitudes toward the belief that the defence of the oppressed in the name of morality should prevail over frontiers and legal documents» (emphasis added). Rieff himself seems to agree that there has been a noticeable shift in public attitudes from a kind of indifferent realism to a more compassionate humanitarianism. Expressions of political realism, pre-eminently the appeal to national interests and reasons of state, now seem «an esoteric language restricted by and large to international policymakers when they are out of public view», he said. By contrast, he continued, «the language of human rights and humanitarianism … now stands as the exoteric language of public discourse». Western publics, grown used to global news feeds and increasingly empathetic to suffering strangers wherever they may be, have lost their appetite for Realpolitik and its perceived vices, and have developed instead a taste for humanitarianism and its presumed virtues.

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The apparent triumph of human rights over the past six decades would seem to confirm the view that international politics has progressively succumbed to a moral point of view. Interestingly, both advocates and critics seem to agree that the present historical juncture is characterised by the

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3 Ibidem, p. 2.
“moralization of international politics”. Where they disagree is in its evaluation. Some argue that international politics can and ought to submit to moral injunctions, while others deny that international politics can or ought to accede to such moral demands. The one invokes humanity as a moral and political concept, the other discredits it as little more than a hollow slogan or dangerous fiction. This clash over invocations of humanity is by no means new; it is but a particular instance of a more general clash between morals and politics in the history of political thought, one that reaches a crescendo in early modern Europe.

To analyse contemporary debates over humanitarianism, therefore, it may be useful to revisit the origins of the rival narratives on the moralization of international politics, to see how this clash of politics and morality plays out in current debates. The article first sketches the humanitarian and counter-humanitarian narratives. Second, it turns to the counter-humanitarian narrative in more detail, elaborating its historical account of international relations and its defence of the *jus publicum Europaeum*. The third section returns to the early modern “histories of morality”, showing how Kant claimed to supersede previous accounts offered by secularising natural law theorists. This leads to the conclusion which argues that, despite appearances, the clash today between advocates and critics of humanitarian intervention is not in fact a clash between politics and morality, or at least, not only that; it is also a clash between rival moralities.

Rival Narratives of the Moralization of International Politics: Humanitarianism and its Critics

This apparent moralization of international politics has elicited both positive and negative responses. Each response comprises a broad spectrum of thinkers and positions, making it difficult to generalise, but for want of better terms we shall call them humanitarianism and its counter-humanitarian critics. In what follows, the contending views of humanitarian intervention are used to highlight points of contention between the two narratives.

Humanitarianism

The humanitarian narrative sees the moralization of international politics as a positive development. Why? Because in upholding and pressing moral claims in international politics the prospect of realizing humanity as a political end is thought to advance. The moralization of international politics demonstrates international society’s commitment to uphold human rights and to act decisively against violations of international humanitarian law (crimes of war, crimes against humanity, crimes against peace). There is of course a set of deeply Kantian and liberal themes at play in this narrative. The world appears to have entered up-
on Immanuel Kant’s cosmopolitan universal community «where a violation of rights in one part of the world is felt everywhere». According to this way of thinking, the rights of sovereign states are not sacrosanct and should not be used to infringe or deny human rights or to obstruct universal justice. The claims of humanity trump sovereignty. This kind of liberal humanitarianism, inspired by John Locke as much as Kant, invokes humanity or civil society as a foil to the sovereign power of the state, to limit the state’s well-honed capacities to abuse power and harm its citizens. Protection from the state becomes the central theme of this humanitarian narrative.

This humanitarian narrative has found strong support in contemporary social, political and international theory, not least among those who have been willing to consider humanitarian intervention as a possible sign of this moralization of international politics. Cosmopolitan critical theorists such as Jürgen Habermas, Karl-Otto Apel, Mary Kaldor, Andrew Linklater, Marc Lynch, and Daniele Archibugi, English School theorists such as Alex Bellamy and Nicholas Wheeler, and liberals such as Michael Ignatieff and Fernando Téson, to name but a few, have argued for humanitarian intervention as a legitimate exception to the non-intervention norm. Needless to say there are wide variances among these thinkers in how they circumscribe the conditions under which humanitarian intervention can be deemed legitimate. My main concern at the moment, however, is simply to register their part in the emerging consensus around the moralization of international politics. In different degrees they all urge understanding, analysing and criticising international politics from a moral point of view. This leads them to see one of political and international theory’s major tasks as protecting individuals and communities from state violence.

Counter-humanitarianism

Like any narrative, humanitarianism has a rival. In this case, the rival narrative finds expression in a deep scepticism towards the possibility or desirability of enlisting the moral point of view in international politics. The counter-humanitarian narrative sees the moralization of international politics as a negative development. Why? Because insofar as it embodies liberal values, it harbours all liberalism’s faults and failings; and insofar as it permeates international society it negates on the sovereign rights of states, imposes Western forms of justice and power, engenders a more intolerant and belligerent international society, and multiplies the prospects of war. The range of criticism made of humanitarianism is evidence of the diverse grounds on which the moralization of international politics is rejected: including anti-liberalism, anti-cosmopolitanism, realism, statism, historicism, various strains of Marxism, and pacifism.

The counter-humanitarian narrative sees the moralization of international politics as a negative development.

These narratives are most notable for their objection to the intrusion of human rights into international politics. We can distinguish between at least two different strains of counter-humanitarianism: one which is statist in conviction, the other pacifist. The latter, which I leave aside here, is less concerned with defending the sovereign state than simply criticising liberalism and two discourses with which it has an historical affinity, human rights and Just War, for contributing to political violence. Common to both statist and pacifist strands of the counter-humanitarian narrative is a vehement rejection of the very idea of humanitarian war.

According to the statist narrative, which has strong affinities with realism, the rights of sovereign states are sacrosanct and should not be violated in pursuit of abstract, Western notions of human rights. To do so is to subvert the rules of co-existence which sustain international order. Sovereignty trumps humanity because it is the only means of providing peace and order. Realist critics of humanitarianism, such as Danilo Zolo, David Chandler, Alessandro Colombo, Christopher Bickerton, Philip Cunliffe and Alexander Gourevitch, are highly suspicious of arguments from a moral point of view in international politics for two main reasons: first, because they think it undermines the fundamental building block of international order, the sovereign equality among states; second, because they think it devalues or denies the autonomy of the political.

We should note that moralization, as used here, does not mean that politics is being replaced by morality, or that international politics is today more moral than it was in the past. The point is simply that, as Chantal Mouffe puts it, «nowadays the political is played out in the moral register». To summarise, this strand of counter-humanitarianism bears the visible imprints of realism, statism and anti-liberalism, and likes to conceive of itself as understanding, analysing and criticizing international relations from a political point of view.

Countering Humanitarianism: the Critique of “Genevan Universalism”

At the heart of the counter-humanitarian narrative, from Hobbes and Pufendorf to Schmitt and Zolo, is the rise of the state as the supreme, unchallengeable political authority. We can distinguish between two versions of statism in contemporary counter-humanitarianism: one founded on reason of state, the other on national self-determination. In the former, the state is conceptualized as a neutral civil sovereign, capable of rising above religious and ethnic disputes, refusing to

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take sides, but insisting that its author-
ity be recognised as supreme (from theo-
rists of the absolutist state such as Jean
Bodin and Samuel Pufendorf to Carl
Schmitt and on to secular liberal
statists such as Reinhart Koselleck and
Ian Hunter). In the latter, the state is con-
ceptualized as a representative, self-
determining national state (by Chris-
topher Bickerton, Philip Cunliffe
and Alexander Gourevitch who trace
the notion, quite problematically for
their counter-humanitarianism, back
to the philosophes and French revolu-
tionaries). In both versions, the state is
conceived as an autonomous political
entity claiming the status of legal
equality in a system of sovereign states.
Moreover, it is thought to be funda-
mentally related to the rise of an inter-
national order predicated on rules of
co-existence. However, if thinkers as
different as Schmitt and Keene⁹ are
correct, the international order se-
cured among European states was sus-
tained by maintaining the inequality of
non-European peoples.

In Defence of Jus Publicum
Europaeum

According to Carl Schmitt¹⁰, «[t]he
state was established as the new, ra-
tional order, as the historical agency of
dethelogization and rationalization». This
in itself was important enough in
his eyes, but there was a further gain to
be produced by the new spatial princi-
ple of politics. Sovereign power also
formed the basis of the jus publicum
Europaeum, the classical international
system that arose out of the ashes of
the religious civil wars that ravaged
Europe during the Sixteenth and Sev-
enteenth centuries. In Schmitt’s narra-
tive, this “golden age” of post-medieval
international relations, which reigned
until the twentieth century, carried
forward the de-theologisation of poli-
tics established first in theories of the
absolutist state as articulated by Jean
Bodin and other French legists, and in
an emerging secular theory of interna-
tional law articulated by Balthazar Ay-
ala and Alberico Gentili¹¹. The con-
junction of these two developments
brought the European civil war to an
end and inaugurated a jus publicum
Europaeum that would secure
Schmitt’s “golden age”.

The jus publicum Europaeum
moved beyond morality (that is, be-
Yond the religious designations of
good and evil) by embracing a «non-
discriminatory concept of war»¹². By
contrast with the Churchmen, post-
Scholastic jusnaturalists denied the
claim that in war only one side has a
just cause. This aspect of the Just War
tradition (“objective justice”) had to be
abandoned so that the focus could
shift from jus ad bellum to jus in bello,
that is, from efforts to justify war on
religious or moral grounds to efforts to
“humanize” war, or at least forestall the

¹ E. KEENE, Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics, Cambridge 2002.
⁴ See C. SCHMITT, Il concetto discriminatorio di guerra, Roma 2008; C. SCHMITT, The Nomos of the Earth in the International Law of the Jus Publicum Europaeum, cit., part III, ch. 2; D. ZOLO, Prefazione, in C. SCHMITT, Il concetto discriminatorio di guerra, cit.; R. KOSELLECK, Critique and Crisis: Enlight-
excesses of “total war”. Emer de Vattel put the argument as clearly as anyone in the eighteenth century. As he explained, in a system where states are equal and independent, none can be set up as judge over another (par in parem non habet jurisdictionem). Therefore, war must be regarded as equally lawful on all sides (bellum utraque parte justum). For Vattel, this was a necessary prudential measure designed to take the ideological heat out of war; a measure intended to moderate war and keep it within civilized limits. Alessandro Colombo draws upon Vattel to make the same point in his discussion of how international society limits violence by institutionalizing Grotian and Clausewitzian “breaks” (freni).

The *jus publicum Europaeum* moved beyond morality (that is, beyond the religious designations of good and evil) by embracing a “non-discriminatory concept of war”

Keeping the Just War notion of *justa causa* out of international politics was the corollary of keeping religion (and morals) out of politics more generally. Doing so had the effect of limiting the authority of the Papacy and the Emperor, two institutions purporting to represent universal values and supra-state authority. As these Christian and feudal institutions crumbled, destroying the Church’s *potestas spiritualis* and its hopes of universal dominion, Europe’s rulers began to embrace the idea that they formed a society or commonwealth of states (these latter terms are not Schmitt’s but Grotius and Vattel’s). This, Schmitt believed, inaugurated a concrete new spatial order (nomos) built on the secular legal principles of territorial sovereignty. Importantly, Schmitt argues that this order extended only to the edges of Europe. “Beyond the line” which separated Europe from the rest of the world, these principles had no purchase; «only the law of the strongest applied». There must always be a constitutive outside for any political order to function.

Crucial to Schmitt’s understanding of this spatial and nomothetic division, was the disposition of European international law to function as a powerful limiting factor on war within Europe, war outside was another matter. «Instead of *iusa causa*, the [new] order of international law between states was based on *iusus hostis*. Any war between states, between equal sovereigns, was legitimate». This was the basis on which Europe performed a «juridical formalization, a rationalization and
humanization – a bracketing – of war»\textsuperscript{20}. Inter-state war involved \textit{hostes aequaliter justi}. This moved Europe away from Just War principles where the enemy was a criminal or “foe” to be punished or annihilated. The advent of this non-discriminatory concept of war is the great achievement of early modern international law, according to Schmitt, and, as we shall see, a crucial element in contemporary critiques of humanitarian intervention.

To summarize, the \textit{nomos} of the new world order born with the conquest of the New World, an event Schmitt\textsuperscript{21} sees as fundamental to the structure of Europe’s “golden age” of international relations, served to divide and distribute the earth according to two different sets of rules: one giving rise to rules of co-existence within a \textit{jus publicum Europaeum}, the other, beyond the line circumscribing Europe, to a lawless anarchy of the kind depicted in Hobbes’s state of nature\textsuperscript{22}. If the new territorial order engendered international rules and norms for maintaining order \textit{within} Europe (a \textit{jus inter gentes Europaeas}), European powers entered a lawless anarchy when they ventured into the “free space” of the New World, space «open to European occupation and expansion»\textsuperscript{23}. This was the context in which, according to Schmitt, the territorial order of the sovereign state emerged. This “new spatial order” grew out of three secularizing trends.

First, it created clear internal jurisdictions by placing feudal, territorial, estate and church rights under the centralized legislation, administration and judiciary of a territorial ruler. Second, it put an end to the European civil war of churches and religious parties and thereby neutralized confessional conflicts within the state through a centralized political unity. … Thirdly, on the basis of the internal political unity it achieved \textit{vis-à-vis} other political unities, the state constituted within and of itself a closed area with fixed borders allowing a specific type of foreign relations with other similarly organized territorial orders\textsuperscript{24}.

Eventually, by the twentieth century, this order would breakdown, ruined by two world wars and the rise of anti-political doctrines (namely, liberalism, Marxist-Leninism, and international law). The new order built on a universalistic conception of international law, at least as Schmitt saw it developing in the late nineteenth and early twentieth centuries, and revived the notion of a Just War, albeit without the framework of \textit{respublica Christiana}. “Genevan universalism” was, as Galli\textsuperscript{25} explains, Schmitt’s main polemical target because it opened the door to disorder and “total war”.

\textit{In Defence of Politics and Sovereignty}

Contemporary IR versions of this narrative agree with the general direction of Schmitt’s story, though variations are in evidence. In any case, the
plot goes something like this. Once upon a time (the exact periodisation of this “golden age” will differ) international relations were regulated according to political rules (generally based on sovereign equality and non-intervention) that kept “total war” at bay. Eventually (again, the exact moment when the “golden age” breaks down will vary), an array of new liberal norms and practices emerged – composing what Zolo calls “humanitarian fundamentalism” – that threatened not only the authority and rights of individual sovereign states, but the very existence of international order itself.

According to Zolo, the 1990s saw the rise not just of humanitarian intervention as a Western strategy of world order, but also the supplanting of traditional “laws of war” by “international humanitarian law”. These developments were the culmination of efforts begun at the behest of Woodrow Wilson after the First World War to inaugurate a universalistic, “de-spatialized” cosmopolitan order. For Zolo, the consequences of this moral shift in international relations are considerable. The jus publicum Europaeum, embodied in the modern Westphalian system, had established procedural rules of co-existence and measures for containing war, but over the course of the twentieth century these had been dismantled by the growth of a cosmopolitan global order. Zolo’s concern, like Schmitt’s, is that the rise of liberal humanitarianism has permitted the resurrection of “discriminatory war”. The moralization of international politics, on Zolo’s exemplary account, thus engenders a “global civil war” which is “sanguinary and destructive in the highest degree”.

It is in the context of such historical narratives that critics of humanitarianism condemn particular interventions, such as the Kosovo War. Typical of critiques of NATO’s Kosovo intervention is the decontextualisation of the conflict. Emphasis is laid exclusively on the Yugoslav state and citizens, with no mention made of the events leading up to the intervention. Zolo, for example, the most lucid and sophisticated of counter-humanitarians, protests against “the death sentence ... enforced on thousands of Yugoslav citizens”, but remains silent on the matter of Yugoslavia’s death sentence on Kosovar Albanians, either before or after the aerial bombing commenced. He is hardly alone; David Chandler, another persistent and vocal critic of humanitarianism also has no words for the Kosovar victims.

Inherent to this new “humanitarian interventionism”, the critics say, is an “anti-political” and “anti-statist” attitude that is common to various forms of English-School rationalism, liberalism, and Critical Theory. A frequent refrain of the counter-humanitarian

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28 Ibidem.
29 Ibidem, pp. 5-6.
30 Ibidem.
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The counter-humanitarian narrative sees the “ethical turn”, or “la mutazione normativa”, as dangerous for being anti-political and anti-statist. It is not anti-political and anti-statist. It would be a mistake, however, to conclude that counter-humanitarianism somehow stands apart from this normative turn; for despite the often vociferous protestations at morality’s introduction into international politics, an irreducible moral point of view permeates their critiques of humanitarianism and cosmopolitanism. It is just that morality is conceived differently by the counter-humanitarians, functioning in a more restricted sphere, and to different ends.

One way to demonstrate the moral point of view being posited in counter-humanitarian narratives is by returning to the early modern “histories of morality” to which they owe a significant debt. Doing so will also allow us to see the moralization of (international) politics as an historical problem that has taken different forms over time. Nonetheless, general features of the counter-humanitarian narrative can be identified: a suspicion of moral universals, the professed prioritization of the political over the moral, and the determined commitment to the sovereign state, as opposed to any higher authority, all of which find their way into contemporary critiques of humanitarian intervention.

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34 D. CHANDLER, Back to the Future?, cit.
37 D. CHANDLER, Back to the Future?, cit., p. 486.
38 D. ZOLO, Chi dice umanità. Guerra, diritto e ordine globale, cit., p. x.
Rival “Histories of Morality”: Kant and his Jusnaturalist Predecessors

As we have seen, the current debate pits a Kantian-inspired humanitarian narrative against a more sceptical narrative which sees danger in the moralization of international politics. In this section I want to flesh out the counter-humanitarian narrative by returning to a largely forgotten genre of moral, legal and political writing that emerged in the Seventeenth century: the “histories of morality”. This genre is most commonly associated with Jean Barbeyrac (French translator and annotator of Grotius and Pufendorf), but Hugo Grotius, Samuel Pufendorf and Christian Thomasius were also prime movers in the genre which essentially sought to challenge Aristotelian and Scholastic constructions of natural law by secularizing natural law and paving the way for a system of sovereign territorial states outside the jurisdictional reach of the Papacy’s and the Holy Roman Empire’s universalist claims. This genre of “history of morality” has almost been lost from sight due mainly to the hegemony of Kantian histories of philosophy which have tended to see the philosopher of Königsberg’s writings as the crowning moment in perfecting a universalist moral philosophy capable of sublimating rationalism and voluntarism, idealism and empiricism.

Kantian Histories of Morality

Before presenting the “histories of morality” literature, it is worth noting that it was against this genre that Kant presented his arguments for “perpetual peace” and universal justice. When Kant famously dismissed Grotius, Pufendorf, and Vattel as «miserable comforters», his accusation was that they were little more than apologists for war. Their treatises on the law of nature and nations «do not and cannot have the slightest legal force», he said, «since states as such are not subject to a common external constraint»39. The chief task then is to develop concrete legal and political institutions which will restrain the international interactions of states.

It is in this context that Kant prescribes the six preliminary articles and three definitive articles of perpetual peace. These articles have, understandably, been the focus of most critical attention, and need no elaboration here; the main point is that Kant, unlike Pufendorf for example, was willing to consider the prospects of transforming state power through the development of republican, international and cosmopolitan constitutional principles40. These would have a constitutive as well as regulative impact on states. States would assume the moral purpose of being provisional means to achieving cosmopolitan ends. From this Kantian point of view, the moral purpose of states must not be reduced to the provision of order and security, but must be conceived as vehicles for the moral

perfection of individuals and communities within a global community of cosmopolitan justice. As Ian Hunter glosses Kant’s moralization of international politics:

Kant cannot accept public-law constructions of territorial sovereignty, or jus gentium constructions of an order of territorial states, as independent forms or loci for justice. These are at best way-stations to be folded into the only true form of justice, which is global or cosmopolitan.

In Kant’s narrative, humanity carries the potential to realize universal justice. Consider his discussion in the Contest of the Faculties where he identifies an historical sign that he believes is evidence of humanity’s capacity for moral improvement. He locates this sign not in the French Revolution itself, but in the attitude of “onlookers” (or spectators) who express “universal yet disinterested sympathy for one set of protagonists against their adversaries.” This sentiment of “universal yet disinterested sympathy” has clearly gained considerable traction among today’s global publics, and provides the context for Andrew Linklater’s effort to defend cosmopolitan obligations in the face of distant suffering.

“Histories of Morality” before Kant

The original “histories of morality” were “exemplary histories of the rise of and need for a modern “worldly” natural law”. They were designed to replace “the a-historical view of philosophy as the timeless recovery of quasi-sacred truths with an account of the contingent development of successive “schools” of thought.” As Ian Hunter explains, these histories typically “narrated the recovery of the true principle of morality (namely, sociability) from the long night of scholasticism in which it had been buried by the confusion of theology and philosophy”. Rather than see philosophical arguments as transcendental answers to timeless questions, philosophy was instead viewed as temporally bound to political conflicts. Philosophy was thus denied its metaphysical status and brought down from the heavens to become a mundane (earthly) set of competing attempts to improvise moral meaning. For the leading thinkers associated with these early “histories of morality”, the purpose was to de-theologize philosophy in order to construct a secularized natural law theory which was concerned with the temporal af-

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48 Ibidem, p. 357.
fairs of politics, namely order and security, rather than spiritual salvation.

These “histories of morality” began with Pufendorf’s essay on the Origins and Development of the Discipline of Natural Law (1678). Other major contributors to this genre include Christian Thomasius and Jean Barbeyrac, both of whom I shall discuss briefly here. Common to most of these histories was recognition of Grotius’s importance. Thomasius, for example, calls the Dutchman “incomparable”. Barbeyrac says «he broke the ice» in developing an alternative history. The Dutchman was celebrated by secularizing natural law theorists as refounding natural law on more secular legal grounds.

Rather than see philosophical arguments as transcendental answers to timeless questions, philosophy was instead viewed as temporally bound to political conflicts.

In his essay, On the History of the Natural Law Until Grotius, published as the Foreword to the first German translation of Grotius’s De jure belli ac pacis, in 1707, Thomasius, student and friend of Pufendorf, set out a vigorous juridico-political program aimed at discrediting scholastic natural law. The very first sentence of this essay sets the tone: «All men by nature are in the same miserable shape». This immediately telegraphs his anti-Aristotelian theoretical program; it also hints at the Epicureanism that he and others wanted to recover from antiquity. In both these regards, Thomasius was a disciple of Hobbes. The Englishman had of course already indicted Aristotelian philosophy for sending Western intellectual thought off the rails in chapter XXVI of Leviathan and elsewhere. Human beings, according to Hobbes’s Epicurean understanding, have some reason, but far less than rationalist (i.e., scholastic) natural lawyers would suggest. Reason is always liable to the vagaries of the will and the irrepressible desires of the human body. Experience shows, Thomasius said, that for all his fine talk, man is a creature of his desires and interests. So it is not enough simply to know the difference between good and bad. Correcting the mind’s understanding, as Aristotelians are wont to do, is insufficient to improve the will, or change behaviour; an external force is required: namely, the sovereign. This is why Thomasius, like Hobbes and Pufendorf, drew from Epicurean philosophy, which emphasized fear of death as the passion compelling subjection to a sovereign, and restricted the focus of philosophy to earthly happiness and security rather than salvific guarantees.

Rather than see philosophical arguments as transcendental answers to timeless questions, philosophy was instead viewed as temporally bound to political conflicts.

To rather see Hobbes’s, was to describe how scholasticism led to a general disorder of knowledge. «At the beginning of the Seventeenth century, moral philosophy, ethics, natural law and so on were in a pitiful and terminal condition», he

\[ \text{Ibidem}, \text{p. 1.} \]
lamented\textsuperscript{50}. More specifically, he noted in scholastic metaphysics a failure to separate between the theological and the properly moral. In his words, scholasticism failed to separate «natural and supernatural lights, reason and divine revelations»\textsuperscript{51}. This led to grave political consequences. Scholastics, he alleged, were responsible for driving rulers «into illegitimate wars under the pretense of spreading the name of Christ ... Drawing on the works of Aristotle ... they knew how to present such wars as lawful and laudables»\textsuperscript{52}. 

Jean Barbeyrac is best known as the eighteenth-century French translator and annotator of Pufendorf’s \textit{Law of Nature and Nations} (1706) and \textit{Duties of Man and the Citizen} (1707), and Grotius’s \textit{De iure belli ac pacis} (1724). His lengthy commentary, \textit{An Historical and Critical Account of the Science of Morality} was published as a Preface to Pufendorf’s \textit{Law of Nature and Nations}. Like Thomasius, Barbeyrac tells the story of how scholasticism has beaten a barren philosophical path. Its focus on «the real essence of substance», said Barbeyrac\textsuperscript{53}, should be no business of morality, which should be concerned with external human conduct rather than the inner life of the mind. Indeed, Barbeyrac’s very definition of morality registers a significant departure from the Aristotelians and Platonists. By morality, Barbeyrac\textsuperscript{54} meant «the conduct of a man’s self, according to his estate and condition». He thus included natural law and politics under it. 

Against the Aristotelian scholastics, Barbeyrac, following Hobbes, Pufendorf and Thomasius, mobilized the Stoics. Why the Stoics? Because they rejected the Aristotelian notion of a humanity divided between full men and natural slaves. «Their philosophy was not above the reach of women and slaves»\textsuperscript{55}. More importantly for our purposes, they recognized that natural law provided the ground of moral duties; they made the greatest contribution to the natural law prior to Grotius and Pufendorf. Their key argument was that men should live in conformity with their nature, which was towards self-preservation. This notion, as Richard Tuck\textsuperscript{56} has shown, was central to early modern efforts to develop a theory of sociability whilst accepting the starting point of philosophical scepticism (as exemplified in Thucydides and Carneades), intellectual moves that shaped the formation of state absolutism and the reception and modification of a politically circumscribed morality of states. 

The most important political upshot of the “histories of morality” was indeed to develop and legitimize the political program of state absolutism and its correlative state morality. They thus served as a crucial moment in early modern attempts to discredit alternative sources of political authority. Thomas Hobbes and Samuel Pufendorf, of course, both argued that appeals to alternative authorities not only undermined the state but fuelled violent conflict.

\textsuperscript{50} C. THOMASIUS, \textit{On the History of the Natural Law Until Grotius}, cit., p. 41.
\textsuperscript{51} Ibidem, p. 2.
\textsuperscript{52} Ibidem, p. 42.
\textsuperscript{53} J. BARBEYRAC, \textit{An Historical and Critical Account of the Science of Morality}, cit., p. 4.
\textsuperscript{54} Ibidem, p. 1.
\textsuperscript{55} Ibidem, p. 2.
On Schmitt’s reading of history, the great accomplishment of the sovereign state was to end «murderous assertions of right» and accusations of guilt. It would confine its “moral” concerns to «the orbit of this life»58, with a view to shaping sociable and socially useful citizen-subjects. This contrasts with theology where the end is salvation in “the life to come”. On this account, absolutist natural law marked a vital step forward in decoupling politics and religion, and giving the temporal priority over the ghostly. The desacralised absolutist state envisaged by Hobbes and Pufendorf needed to eradicate “ghostly authority” from the political realm. Only by delegitimizing alternative sources of moral authority could the state take its rightful place above the fray of sectarian bickering as a neutral civil authority — though it would take no position on the truth or otherwise of asserted religious doctrines, it would assert unchallengeable supreme authority on all matters affecting the public sphere. This is the point and purpose of sovereignty. It denotes a singular and exclusive authority unanswerable to any other authority. As Pufendorf60 puts it, «its exercise is not dependent on a superior; it acts by its own will and judgment; its actions may not be nullified by anyone on the ground of superiority».

Hunter60 argues that the Seventeenth century generates a clash between metaphysics and civil philosophy — two opposing responses to the decoupling of civil and religious authority. On the one side are Hobbes, Thomasius and Pufendorf who want to defend and consolidate this separation, developing «a doctrine of natural law in which the exercise of political power (the “civil kingdom”) was segregated from the sphere of life in which the pursuit of moral perfection took place (the “kingdom of truth”)».61 Thomasius endorsed Hobbes’s and Pufendorf’s secularized political absolutism. Peace, not purity, was the goal of politics and the source of its “moral” norms. Their version of natural law theory sought “inner calm” (what Hellenistic philosophers called ataraxia, tranquility) and outer security (following the Epicureans). Natural law theory thus grew out of a decidedly non-transcendental source, viz., the reason of empirical human beings. On the other side are Leibniz, Wolff and Kant, who, by contrast, envisage a rational reconciliation of politics and religion at a higher level, the metaphysical. According to Hunter, the latter offer theories aimed at rising «to the domain of transcendent perfections»; moral purity rather than political peace. This type

59 Ibidem, p. 146.
61 Ibidem, p. xi.
of argument, which mixed theology and philosophy, took shape in a university metaphysics (Schulmetaphysik) that asserted its claim to moral oversight of the spheres of politics and jurisprudence. It had the terrible consequence, according to the civil philosophers, of heightening the “legitimation crisis” by blurring ghostly and temporal authority and giving rise to war-mongering confessional states\(^\text{62}\).

Conclusion

This article contemplates the extent to which positions in contemporary debates on humanitarian intervention owe a conceptual debt to early modern debates. It proceeds on the premise that accounting for the intellectual roots of the rival narratives may allow for interrogation of the terrain on which the moralization of international politics is debated. This is not to suggest that contemporary debates can be neatly transposed onto an early modern intellectual terrain, or vice-versa. No such transposition is possible or desirable. But it does allow for an approach — contextual intellectual history — that disentangles lines of conceptual descent in such a way as to highlight what is most at stake today, permitting us to see how particular ideas and doctrines which are today taken for granted, grew out of very particular contexts, and may not necessarily offer the kind of political resolution that is imputed to them. Such an approach should also allow us to see how certain concepts have undergone subtle but significant adjustment over the centuries (this goes for state sovereignty as much as humanity), that modifies how we should think about the relationship between politics and morals.

By returning to rival early modern “histories of morality”, this article has revealed that the counter-humanitarian critics who have reproved the moralization of international politics, nonetheless share a moral point of view, even if it remains unacknowledged. This suggests that the clash is less one between politics (represented by counter-humanitarians) and morality (humanitarians), as it is usually portrayed, than one between rival moralities. Defences of the sovereign state and non-intervention are normative programs, grounded on moral claims just like their cosmopolitan counterparts.