

# Chaos and Humanitarian Interventions in Afghanistan: Through a Kantian Lens<sup>1</sup>

## Caos e intervenciones humanitarias en afganistán: desde la lente kantiana

[Artículos]

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Received: 05/15/2023

Accepted: 06/15/2023

How to cite:

Wagisha, Singh, S., Arun Sapre, A., Ahmad Shah, S., & Ranjan Srivastava, A. (2023). Caos e intervenciones humanitarias en afganistán: Desde la lente kantiana. *Via Inveniendi Et Iudicandi*, 18(2), 24–34. <https://doi.org/10.15332/19090528.9728>



### Abstract

With the Taliban's resurgence in Afghanistan, a unique situation arises regarding their pursuit of international recognition. On the one hand, their close ties to terrorist organisations like al-Qaeda and their questionable sources of funding raise significant concerns about the consequences of granting them international legitimacy. Conversely, the international community, particularly the United States, appears hesitant to intervene at this juncture, prompting thoughtful reflection. Specifically, post-recognition, there is a looming question about whether the Taliban will persist in endorsing terrorist activities or

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Via Inveniendi Et Iudicandi

e-ISSN: 1909-0528 | <https://doi.org/10.15332/19090528>

Vol. 18 N.º 2 | julio-diciembre del 2023

relying on illicit funding methods. In such a scenario, determining the justification for humanitarian interventions becomes a critical consideration. Moreover, the extent of intervention during the transitional phase from lawlessness to lawfulness in Afghanistan, where extreme crimes are prevalent, demands scrutiny. In this context, it is pertinent to explore Immanuel Kant's perspectives on humanity and his work *Perpetual Peace* as they align with the current situation. Therefore, this paper aims to assess both sides of the issue through a Kantian lens to gauge the appropriateness of humanitarian intervention under these unique circumstances. Ultimately, this analysis could shape a new framework for interventions in dire situations involving "crimes against humanity" or threats to human lives stemming from such conditions.

**Keywords:** humanitarian laws, intervention, Kantian philosophy, Afghanistan crisis

## Resumen

Con el resurgimiento de los talibanes en Afganistán, se presenta una situación única en cuanto a su búsqueda de reconocimiento internacional. Por un lado, sus estrechos vínculos con organizaciones terroristas como Al Qaeda y sus cuestionables fuentes de financiación plantean importantes preocupaciones sobre las consecuencias de concederles legitimidad internacional. Por el otro, la comunidad internacional, en particular Estados Unidos, parece reticente a intervenir en esta coyuntura, lo que incita a una reflexión reflexiva.

Específicamente, después del reconocimiento, surge la pregunta de si los talibanes persistirán en respaldar actividades terroristas o recurrirán a métodos de financiación ilícitos. En tal caso, determinar la justificación de las intervenciones humanitarias se convierte en una consideración crítica. Además, el alcance de la intervención durante la fase de transición de la anarquía a la legalidad en Afganistán, donde prevalecen los crímenes extremos, exige un examen cuidadoso. En este contexto, es pertinente explorar las perspectivas de Immanuel Kant sobre la humanidad y su obra *La pazperpetua*, ya que se alinean con la situación actual. Por lo tanto, este artículo pretende valorar ambos lados de la cuestión a través de una lente kantiana y evaluar la idoneidad de la intervención humanitaria en estas circunstancias únicas. En última instancia, este análisis podría configurar un nuevo marco para las intervenciones en situaciones extremas que involucran "crímenes de lesa humanidad" o amenazas contra la vida humana derivadas de tales condiciones.

**Palabras clave:** leyes humanitarias, intervención, filosofía kantiana, crisis de Afganistán.

## Introduction

Just like modern-day turmoil in international relations, around two hundred years ago, in similar situations of chaos, war disturbed a lot of legal thinkers. Per Cujabante-Villamil et al. (2022), against the backdrop of new threats and conceptions of security and international threats, power, human rights, and sovereignty have assumed new meanings. Furthermore, Cesar Niño (2022) has asserted that the ontology of the global south needs to be reimaged

in the context of local and regional issues; accordingly, the idea of sovereignty should be restructured. Hence, Immanuel Kant's idea gains greater prominence in this regard. His concerns can be deeply witnessed in his later work *Perpetual Peace* (Hill, 2009). Through it, he sought to establish guiding principles for states to lead a more peaceful world. In this attempt, he also envisioned a "permanent end to war" (Hill, 2009). His principles were broadly drawn from the moral perspectives over the aspects of international law regimes (Hill, 2009). However, his prime assertion that the constitution and government of one state shall not be subject to "forcible interference" by another is the prime focus area for the current research as it would help in understanding the level of interventions on the pretext of humanitarian aid in a state's affairs, especially in the situation of Afghanistan (Fonseca-Ortiz et al., 2023). To substantiate his prime assertion, he has argued throughout that there always remains a chance of attaining "ever-lasting peace" despite failures of intentional attempts to end the war (Kleingeld, 2006). Per Thomas Hill(2009; (hereby referred to as "Hill"), in his work "Kant and Humanitarian Intervention," his arguments were founded on the "moral and empirical conjecture" that was trying to counter hopelessness over the constant wars and destructions. However, Hill (2009) argues that his assertions cannot be a means to legitimise an excuse for the non-fulfilling duty of the international community to establish peace through legitimate ways.

In the contemporary world, a lot has changed, including the ways of operating international relations, yet the relevance of Kant's prescriptions for peace needs to be revisited (Wentscher, 1900). Particularly, Kant's proposition of "prohibition on interference" is an important source of research for the present paper as the U.S. and Afghanistan episodes have somewhere the justifications drawn from the Kantian theories (Hill, 2009). Since most of the literature so far either talked about U.S. actions in Afghanistan or about the Taliban-led Government in isolation from each other's actions, checking both their progress through Kantian propositions would add value to the ongoing peculiarities over the Afghanistan issues and its impact on international relations, in particular to the warlike chaos (Tumber, 2008). The element of state recognition and humanitarian interventions must be closely examined from Kantian propositions in the said episode to reach a possible solution for grave injustices or potential threats to citizens (Muiholland, 1987). This will help in understanding not only the situations for invoking humanitarian interventions but also possible ways to prevent crimes against humanity.

In the current research, "humanitarian intervention" stands with a simple meaning that it is a forcible act of interference in the governance of one legitimate state by another for the primary purpose of protecting the latter's subjects from abuse and oppression by its own government (Naranjo-Álvarez & Alonso-Niño, 2023). By the expression "legitimate state," the present paper only means a state having "a functional legal order, a more or less effective government in power" (Arntzen, 1996), and international recognition as an

independent state. The present paper is only concerned with the current position of Afghanistan as a state and the extent to which humanitarian intervention is needed in their Taliban-led government. Also, this aspect is being explored through Kantian practical propositions on the said issues.

## **Humanitarian Intervention and Kant's Standing**

“Humanitarian interventions” are stated as a means to protect a state from the abuses and oppressions of its own government (Holzgreve & Keohane, 2003). The term “abuse and oppression” expresses the constant deprivation of essential components of life and liberty necessary for the existence of a rational, autonomous organism. Hence, a positive obligation is inherent in the very idea of “humanity,” as argued by Thomas Hill, whereby every person has a “strong moral reason” to prevent oppression or abuses in all legitimate ways (Holzgreve & Keohane, 2003). In this regard, Kant has highlighted the “moral legislative perspective,” which also emphasises finding and respecting rules and principles that consider all relevant moral aspects (Pogge, 1988). However, Hill (2009) notes that in terms of Kantian philosophy, Kant asserts that even after considering all aspects, intervention in another state is still impermissible to encourage humanitarian causes (Hill, 2009).

While pondering the Kantian propositions, Hill further discussed some of the most notorious aspects in some instances. Firstly, to see if coercive interference is the last resort for attaining humanitarian purposes; secondly, if there remains any viable alternative before such a coercive form; thirdly, to what extent such a step would be effective; lastly, what the possible implications of such a step would be that will be directly colliding with the moral reasons and could be avoided (Hill, 2009). Hill has substantiated these aspects of humanitarian interventions by Kant's prime proposition of absolute non-intervention. His counter to such Kantian absolute prohibition on intervention is also crucial for the current research. Since an intervention aims to liberate oppressed subjects of a state, valid evidence in this regard before considering both Hill's and Kant's propositions and tests over intervention needs to be looked after (Tumber, 2008). Kantian perspective, however, still stands at a point whereby it rejects the idea of intervention with the aspect of “balancing and weighing all the commensurable values” (Ripstein, 2009). However, to counter this, Hill has argued that on a critical note, Kantian theory can also prescribe a reasonable alternative for balancing both the undue form of consequentialism and undue rigour interpretation of the “humanity formula” by direct application to the factual matrix of a case (Hill, 2009). The moral deliberations must be based on the pillars of necessity, likelihood of effectiveness, and possible backfires. Hence, the Kantian proposition should be considered while evaluating whether permitting humanitarian intervention would create a reasonably specific circumstance for making such intervention a pure necessity and would not be at the cost of morally unaccepted norms (Muiholland, 1987).

Hence, Afghanistan's current position on these prospects must be examined before resorting to humanitarian intervention.

## **Afghanistan: Understanding from the Lens of Kantian Propositions**

### **Government's responsibility to its own citizens and the citizens of other nations through interventions: Are there conflicting positions?**

The United States, a prime player in Afghanistan's security operations, started withdrawing thirty-three thousand troops by the summer of 2012 on account of polls depicting that a record number of Americans did not support the war (Council on Foreign Research, 2021). This "political rhetoric" of promoting the welfare of its citizens was the prime argument for withdrawing US troops from Afghanistan for a long time. It can be seen that all such aiding also ultimately brings a return for its citizens. The political fragments have long been taking the shield of "paying off" for us either directly or through mere pragmatic rhetoric for taking any humanitarian intervention (Ripstein, 2021). Hence, any legitimate intervention can never be taken for the sake of a "foreign soil's citizen," and there has been a long argument behind such withdrawals. The prime question here is whether Kant supports such a proposition in any way.

In the *Metaphysics of Morals* (especially "The Doctrine of Rights"), Kant focused on establishing the relationship between a government and its people (Gregor, 1996). Accordingly, he believes that a head of a state, in terms of international relations, is nothing but a representative of its subject's interests (Gregor, 1996). On a weak note, he acknowledged cosmopolitan rights but emphasised that a "peaceful foreigner" should not be harmed in one's territory (Ripstein, 2021). As Hill (2009) notes, Kant has urged the states to end war or war-like chaos in the interest of their citizens, though he is not in favour of states surrendering their sovereignty to create a world government for "world peace and justice." Hence, Kant's proposition is based on the argument that a government represents its people's collective will without considering outsiders' interests (Hill, 2009). This argument was majorly influenced by social contract theorists like Hobbes and Rousseau, who also proposed that the authority of a sovereign head is derived from the people and for their benefit (De Ville, 2020).

However, Kant does not propose an extreme view that a government shall, solely and wholly, act for its people. His ideas focus more on the "law and justice maintenance" within a state (Ripstein, 2009). His propositions to rectify defects of previous theories of social contract and natural law through domestic justice make room for justifications of coercion for the sake of liberty and affirmation of the retributive principle of punishments on a secular basis (Pogge, 1988). Hence, his propositions on "cosmopolitan right, world peace and preconditions of state sovereignty" indicate that a state is not forbidden from taking actions for other states' citizens (Pogge, 1988). However, he opposes the idea of forcible intervention in another country's governance (Pogge, 1988). In this regard, Hill

Via Inveniendi Et Iudicandi

e-ISSN: 1909-0528 | <https://doi.org/10.15332/19090528>

Vol. 18 N.º 2 | julio-diciembre del 2023

(2009) has argued that Kant has, though forbidden forcible intervention, asserted that the state heads must also duly consider the fundamental rights of other nations' citizens through his proposition on "humanity as an end for every state action" (Hill, 2009).

Examining Kant's standing and Hill's critics, it must be pointed out that the U.S.'s argument of withdrawing troops and leaving the citizens at their fate is not justified even after considering "citizen's welfare" as a sole basis (De Ville, 2020). About 70 % population of Afghanistan has been left at the mercy of the Taliban with severe life-threatening conditions and no international aid (Hasrat, 2019). Per the United Nations Assistance Missions in Afghanistan (UNHR, 2020) report of civilian casualties in armed conflict in 2020, 62 % of deaths were attributed to anti-government casualties, out of which 45% were directly due to the Taliban attacks. This is not something that Kant proposed. His inspiration was simply for putting an end to chaos and treating "humanity as an end." Upholding the rights and dignity of humanity-based values is a core responsibility of every person, be it a citizen or government official. Hence, every citizen, by all legitimate means, should aspire to ensure that the humanity of every person is respected, irrespective of any territorial boundary. Accordingly, the role of government officials, in this regard, is to carry the aspirations of the citizens through constitutional machinery to the extent of it being reasonable and informed. Per Kant, their governance should be so the "people could accept their laws" (Kleingeld, 2006). To that end, an informed citizen should aspire to sacrifice for the greater good of humanity and, thus, seek to extend justice to oppressed ones in other nations.

### **Humanitarian intervention in Afghanistan: necessities and peculiarities?**

Mostly, humanitarian intervention in another state is sought on the pretext that the governing body has committed such acts that amounted to grave injustice in the form of a "crime against humanity" (Hill, 2009). Thus, intervention can be seen as a first step towards punishing such abuses or punishment in itself. On the contrary, the term "humanitarian intervention" does not entail punishment as the prime purpose (Hill, 2009). However, a counter to this aspect could be that foreign powers have the right to interfere and punish the governing body to prevent harm to the oppressed citizens. Therefore, Kant's punishment theories need to be examined to check his proposition on the absolute prohibition of intervention.

Per Hill, Kant has proposed harsh theories on punishment, yet it remains in a position of misunderstanding and exaggeration (Pogge, 1988). Kant provides that all criminal offenders should be meted out with judicial punishment, which should be based on the retribution theory. Despite having some limits, it should be equivalent in terms of the kind and degree of the crime. No pragmatic or humanitarian aspect shall be considered for

reducing sentences, and there should be no pardon for criminals at any point. Even the resistors of oppressive tyranny may be subject to just punishment (Hill, 2002). However, Kant also strongly asserts strict conditions for imposing judicial punishment. This retributive punishment is not divine in character but rather a proportionate form that gives citizens enough opportunity for crime avoidance. “To hinder the hindrances of freedom” is the prime motive behind the practice of punishments (Kleingeld, 2006). However, Kant also asserts that a State’s head can never be punished legitimately, even by his own subjects, even after their term of governance, on account of the absence of the element of “just legal punishment” (Hill, 2009). In this regard, “just punishment” denotes a legal situation with no ambiguities over the fact that ultimate authority vests with whom and who gets the power to formulate and enforce laws within a given territory.

For this paper, Kant’s theory of punishment needs only to be examined in terms of its possible effects on the concept of intervention. The intervention, for the sake of punitive aims, is forbidden in the absence of an international legal regime per Kantian proposition as such a legal system is approximated in relevant respects to Kant’s concepts over the “juridical position of a state” (Lacey, 1988). Though opposed to the idea of world government, Kant always proposed the development of a world federation, which would reflect upon the subsequent evolutions in the “international law.” However, the prime issue in this regard, per Hill (2009), remains whether the foreign power has the right to forceful intervention in humanitarian causes. In this context, a fragment of other political thinkers have argued on an affirmative note that “extreme wrongdoing rulers are liable to forfeit their right to govern” (Hill, 2009).

Natural law theorists like Aquinas and Locke were strong proponents of the idea that a non-secular order is governed by God and, accordingly, no room exists for “forfeitable rights” (Hill, 2009). Though Rousseau also does not reflect on such an idea, he proposes that the government ignoring the general will of the public is nothing but a government imposing authority “through might, not right” (Pogge, 1988). Kant, though denying some propositions of Hobbes, follows his footing in denying the forfeiture of the right to govern based on wrongdoing (Pogge, 1988). However, this is true only for a “government which is not a rogue regime whose uses of force but has no authority” (Franceschet, 2010, p. 25). Kant further asserts that despite some reasonable standards for a just rule by a ruler, their power to govern and rightful authority is not lost even if their governance is bad (Franceschet, 2010). Kant’s assertion of rightful authority prevails only when there are determinate factors over the member’s duties and hierarchies to be followed in conflicting situations (Franceschet, 2010). Kant’s ideology of claims over rights is different from the moral claims about the bad governance of a ruler by its subjects. It falls outside the purview of determinate adjudication and enforcement mechanisms (Hill, 2009). Hence, Kant can be seen advocating that the government’s mistreatment of its people leads to undermining

citizens' rights (and not just moral complaints). It can be a claim to undermine such a government's right to rule by resorting to forceful intervention to fulfil humanitarian ends.

However, this intervention can have all sorts of possible responses derived from the Kantian ideology itself. Firstly, the question concerns Kant's proposition on extreme aspects that are (a) whether such right-based claims make room within a determinate framework of adjudication and enforcement, (b) that from the traditional notions drawn from the natural law, general will and common good and other well-acknowledged concepts over moral standards for government are just mere guiding principles for consultations by the government and their breaches make no room for extra-legal interventions (Hill, 2009).

Secondly, Kantian ideology in *Perpetual Peace* can be expanded only to the extent that it seeks to establish international organisations and agreements as a "moral surrogate" for the world governance regime (Hill, 2009). By this means, Kant's concerns over the aspects of "determinacy, general acceptance and enforcement" as a precondition for rights- and authorities-based claims can be satisfied. Hence, the cases of indeterminacy and irregularities in this regard can be tolerated in the early stages, just like a situation that arises when there is the transition from a "lawless state to a legal order-based state-nation." Consequently, social contract theorists have acknowledged that the transition from a lawless to the lawful regime of a state is seldom a seamless process. Kant, despite advocating for the full realisation of the ideal of justice, proposes that in non-fulfilment of such ideals, governments should be tolerated and obeyed in "transitional times" whereby citizens work together to bring reforms gradually. From this standpoint, Kant can be seen as tolerant towards imperfections in establishing a just system. However, Hill argues that such preferences by Kant can be well questioned (Hill, 2009).

Thirdly, the exploration of possible lacunas in Kantian arguments that the mistreatment by a government of its citizens never undermines its claim over rights and authority of ruling its state. Per Hill, this limited focus was caused by the absence of world government and enforceable treaties, which prevented the relations between sovereign bodies from being fully-fledged legal rights (Hill, 2009). In the present context, the relevant point is that even if Kant asserts that there is an absolute duty on the part of citizens to obey the laws of their government, it does not imply that its right to rule can be respected even by those outside its jurisdiction. Hence, its right against foreign powers for non-interference in its governance is not absolute. Kant remains silent about the reason behind the non-intervention by foreign powers to further a significant humanitarian purpose. Gross injustices by the ruler stand as a moral ground for justifying such interventions, even though they are opposed absolutely by Kant.



At this juncture, understanding these aspects is necessary because of three major factors. Firstly, Afghanistan is undergoing a transitional period whereby there are constant pictures of lawlessness and dire poverty. A considerable dilemma remains in the recognition of a Taliban-led government, especially when the governance lies in the hands of those listed as terrorists in the United Nations (Maizland, 2021). Indeed, initially, they have started on a rigorous note, yet a point of moderation can also be seen recently in their approach. Recently, in a gun-shot event at a wedding, it was revealed that the Taliban government and the gunmen permitted the playing of music, and the gunmen were strictly sought after by the Taliban itself. What is relevant in this regard is that it was a banned activity in the earlier Taliban regime of 1996 (Maizland, 2021). Moreover, in a recent hospital shootout, the Taliban top commander's arrival and the sense of relief reported by the hospital staff on his arrival shows a possible transition from an extreme situation of lawlessness to a situation of efforts showcased and accordingly acknowledged by the Taliban and the general public respectively (Halabisaz, 2021). This transition period is drawing its lines from Kantian philosophy, and immediate humanitarian intervention may disrupt the upcoming period of stability.

However, the moot point of concern lies in the second aspect, i.e., what happens when, after due speculations and careful deliberations, the Taliban gains the stature of a recognised government before the International Community. Their earlier and still alleged affiliations with al-Qaeda are something over which "humanitarian interventions" are always a warranted step to undermine its right to rule. This aspect departs from the Kantian proposition of absolute prohibition of humanitarian intervention on a legitimate government. Drawing inferences from Hill's arguments earlier, this situation would threaten not only the safety and security of its own citizens but also the citizens of other nations. Such affiliations would be encouraging terrorism, which is a global concern as being a crime against humanity. However, interventions in such situations should not be a frequent approach; instead, even Hill argues that a very calculative approach needs to be followed. The retributive punishment theory proposed by Kant would be coming to the forefront in an international regime.

Thirdly, Kant's proposal of applying international standards for achieving humanity as an end is also relevant. Legalising a government that had earlier ties with terrorist activities and funding and sponsorships from illegitimate means like drugs, smuggling, trafficking, etc. (Maizland, 2021) is something that is to be constantly checked even after due recognition. This peculiarity is to be reviewed from the Kantian views over "humanity" and, hence, is absolutely relevant in this regard. Here, humanitarian interventions should be pictured on a more prohibitive level and not on a punishing note. In brief, Kantian retributive punishment theory is not a robust approach.

## Conclusion

In the Afghanistan context, the Kantian approach indeed holds a unique position. Its validity cannot be undermined in that context. Kant's proposition that there should be non-intervention is relevant. It seems tolerable in the current transition period for intervention at this juncture would only disrupt the ongoing efforts of stabilising longstanding chaos. However, non-intervention should not be a case where mistreatments exceed humanity's tolerable aspect. Hence, a close watch is necessary at this juncture. When there is severe and persistent mistreatment by a ruling government, the presumption of its backing by its citizens is either false or just the absence of a normative claim. It is false when "united will" is seen in a normative sense, and as argued by Rousseau, that the necessary test over such will favour laws is that they are meant for the common good and not mere consequentialist aggregated good, but rather a good representing every citizen (Hill, 2009). Hence, in Afghanistan's context, Kantian ethics needs to be seen as rightly indicating that there always remains a presumption of humanitarian interventions in some cases. Accordingly, he wisely pointed out grounds of caution, viz. avoidance of punitive intent and reasonable representation of the citizen's will in another state. However, Kant's ethics falls short of the fact that it remains silent over adequate reasons for the "absolute prohibition of humanitarian intervention" in all circumstances. The recognition of the current Afghanistan government is constantly a point of speculation and needs to be intervened whenever necessary. Absolute prohibition does not stand as a way in this regard. Also, the Kantian proposition of tolerance in transitions should not be absolute in all cases in Afghanistan, and humanitarian intervention is an interlinked aspect. On that note, Hill's proposed test before going for any sort of humanitarian intervention should be critically weighed.

## Acknowledgement

This paper is written as part of collaborative research with Assistant Professors at Symbiosis Law School, Hyderabad, a constituent of Symbiosis International (Deemed University), Pune, and Gujarat National Law University, Gandhinagar (India).

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e-ISSN: 1909-0528 | <https://doi.org/10.15332/19090528>

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