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ORIGINAL ARTICLE

INTERNATIONAL LEGAL THEORY

Denaturalizing the Monroe Doctrine: The rise of Latin American legal anti-imperialism in the face of the modern US and hemispheric redefinition of the Monroe Doctrine

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Abstract

The Monroe Doctrine was originally formulated as a US foreign policy principle, but in the late nineteenth and early twentieth centuries it began to be redefined in relation to both the hemispheric policy of Pan-Americanism and the interventionist policies of the US in Central America and the Caribbean. Although historians and social scientists have devoted a great deal of attention to Latin American anti-imperialist ideologies, there was a distinct legal tradition within the broader Latin American anti-imperialist traditions especially concerned with the nature and application of the Monroe Doctrine, which has been overlooked by international law scholars and the scholarship focusing on Latin America. In recent years, a new revisionist body of research has emerged exploring the complicity between the history of modern international law and imperialism, as well as Third World perspectives on international law, but this scholarship has begun only recently to explore legal anti-imperialist contributions and their legacy. The purpose of this article is to trace the rise of this Latin American anti-imperialist legal tradition, assessing its legal critique of the Monroe Doctrine and its implications for current debates about US exceptionalism and elastic behaviour in international law and organizations, especially since 2001.

Keywords: anti-imperialism; Latin America; Monroe Doctrine; non-intervention; US interventionism

1. Introduction

The Monroe Doctrine was originally formulated in 1823 as a US foreign policy principle of non-intervention of Europe in the affairs of the Western Hemisphere, but in the late-nineteenth and early-twentieth century it was redefined in relation to both the hemispheric policy of Pan-Americanism and the expansionist and interventionist policies of the US in Central America and the Caribbean. Indeed, it became a central subject of controversy among international lawyers across the Americas alongside the proliferation of supporters and anti-imperialist critics of the doctrine in this period. Within the broader Latin American anti-imperialist traditions, a distinct legal and diplomatic trend emerged between 1880 and 1933 that was especially concerned with the nature and application of the Monroe Doctrine as an elastic and flexible principle to legitimize US interventions in the region. International law and social science

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scholarship have largely overlooked this specific tradition. The purpose of this article is to explore the rise of a Latin American anti-imperialist legal tradition and its derivations in Argentina, Mexico, and Cuba. In particular, it assesses legal critiques of the Monroe Doctrine constructed by Carlos Pereyra (Mexico), Isidro Fabela (Mexico), Emilio Roig de Leuchsenring (Cuba), Roque Sáenz Peña (Argentina), and Vicente Quesada (Argentina) and their implications for current debates about US exceptionalism and elastic behaviour in international law and organizations, especially since 2001. The article argues that by denouncing the Monroe Doctrine and early notions of US legal exceptionalism, these jurists generated the grounds for the formation of a new revisionist Latin American legal sensibility, one that proposed an enduring regional defensive approach and a pioneering critique of US exceptionalism.

In the context of the Seventh Pan-American Conference (1933) held in Montevideo, the principles of non-intervention, sovereign equality, and state independence were famously institutionalized. This achievement has typically been portrayed as a direct derivation of the debates over the codification of American international law within the Inter-American System.[1] However, this article argues that this Latin American anti-imperialist legal tradition, which gained prominence following the Mexican Revolution and reached its peak in the 1920s, made a pioneering contribution to the development of anti-interventionist legal approaches in the region, anticipating the achievements of Montevideo before they became central within the Pan-American Conferences. Although the Montevideo Conference contributed to moderating this tradition, it was revived in the 1950s in the context of the Cold War, with US intervention in Guatemala in 1954 and the struggles for the independence of Puerto Rico.[2] Moreover, this tradition was to gravitate into Latin American international legal and political thought until the present day, especially since the revival of Latin American unionism and anti-imperialism with the resurgence of the Latin American left in the 2000s. The Monroe Doctrine was also reframed as an exceptional and elastic principle to legitimize US interventions. This was the case during the Cold War, with the Truman Doctrine, and more recently, with the Bush Doctrine, amid the so-called war on terror.[3] A common persistent feature of these three doctrines was that they created blank cheques for validating a state of exception that would legitimize a diverse set of US 'humanitarian interventions' in different historical contexts.

This group of Latin American legal anti-imperialist jurists sought to challenge both US and hemispheric exceptionalism. By focusing on US deployments of the Monroe Doctrine, they were able to detect *in nuce* US exceptional and elastic behaviour in international law and human rights and the paradox of US exceptionalism long before these questions began to be discussed. According to this paradox, the US performs as a global promoter of human rights values and humanitarian interventions, as if these were an extension of its values writ large, while at the same time resisting compliance with these same international legal standards.[4]

Latin American legal anti-imperialism emerged hand-in-hand with the institutionalization of international law in the region. Yet, these jurists moved beyond the dominant *legal habitus* of the elites of their own countries, that is, the *legal field* and the *field of power*, and engaged with the broader *intellectual field* and, in certain cases, with the political transformations taking place after the Mexican Revolution. Indeed, the legal habitus among the emerging disiciplinary legal community in the US and Latin America tended to be supportive of both the Monroe Doctrine as a hemispheric multilateral principle and the US-led Pan-American movement,

[1]A. B. Lorca, *Mestizo International Law: A Global Intellectual History, 1842-1933* (2014), 305.

[2]M. P. Friedman, 'Fracas in Caracas: Latin American Diplomatic Resistance to United States Intervention in Guatemala in 1954', (2010) 21 *Diplomacy and Statecraft* 669; M. Power, 'The Puerto Rican Nationalist Party: Transnational Latin American Solidarity, and the United States during the Cold War', in J. S. Mor (ed.), *Human Rights and Transnational Solidarity in Cold War Latin America* (2013), 21.

[3]A. J. Bacevich, *American Empire: The Realities and Consequences of U.S. Diplomacy* (2002), 224.

[4]M. Ignatieff, 'Introduction: American Exceptionalism and Human Rights', in M. Ignatieff (ed.), *American Exceptionalism and Human Rights* (2005), 14.

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and advocated the construction of a common continental tradition of American international law. Among the figures involved in this movement, grouped around the American Institute of International Law (AIIL), were Alejandro Alvarez, Luis María Drago, and Baltasar Brum.[5] By contrast, Pereyra, Fabela, Roig de Leuchsenring, and even Sáenz Peña and Quesada expanded the horizons of their approach to international law as a discourse embedded of public intellectual and political concerns, rather than a technocratic and scientific language of a selected elite.[6] In certain cases their work had a greater impact among anti-imperialist intellectuals than on international lawyers and politicians. Those who were attached to the dominant legal habitus of the AIIL, notably Alvarez, adopted a monist solidarist approach to international law in an attempt to integrate US and Latin American legal values, and even considered US values as the most fundamental for the Americas. However, most of these anti-imperialist legal figures sought to create grounds for a more inclusive pluralist political understanding of international law; they maintained a sense of solidarity with Latin American small 'outlaw states' in the face of the tendency of 'great powers to intervene on behalf of the international community'.[7]

Finally, this article shows that denouncing US imperial interventionism in the name of international law has been an important practice among jurists in Latin American countries. US interventions in Latin America invoking the Monroe Doctrine to correct what were considered to be, according to the Roosevelt Corollary of the Monroe Doctrine (1904), wrongdoings in the region consolidated what Gerry Simpson has termed 'legalised hegemony', legitimizing a hierarquical pattern of interaction and the unequal sovereign status between US and Latin America states.[8] International law has always been complicit with colonial and imperial policies advanced by the US and Europe, and at the same time it has been long deployed as an instrument to safeguard weak Latin American nations from those policies.[9] While a growing body of literature about the intertwined histories of international law and imperialism has renovated the field of international law,[10] the historical connections between anti-imperialism and international law have received very little attention.[11]

2. The Monroe Doctrine, Pan-Americanism and the rise of Latin American legal anti-imperialism

In its original formulation, the Monroe Doctrine implied a commitment on the part of the US not to intervene in European affairs, as well as a US proclamation against European interventions in the Americas. As such, it was both an anti-colonial and anti-interventionist doctrine; it proclaimed US isolationism in relation to European affairs. By the early 1820s, the British Empire was concerned about the potential intervention of the Holy Alliance in Spanish America, since it could obstruct British industrial and economic influence in the region. British Foreign

[5]See J. P. Scarfi, 'In the Name of the Americas: The Pan-American Redefinition of the Monroe Doctrine and the Emerging Language of American International Law in the Western Hemisphere, 1898–1933', (2016) 40 *Diplomatic History* 189.

[6]See P. Bourdieu, 'The Force of Law: Toward a Sociology of the Juridical Field', (1987) 38 *Hastings Law Journal* 814.

[7]G. Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (2004), 6.

[8]Ibid.

[9]See N. Krisch, 'International Law in Times of Hegemony: Unequal Power and the Shaping of the International Legal Order', (2005) 16 EJIL 369.

[10]M. Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960* (2001); A. Anghie, *Imperialism, Sovereignty and the Making of International Law* (2005); A. Orford, 'The Past as Law or History? The Relevance of Imperialism for Modern International Law', *International Law and Justice Working Papers*, Series 2012/2, University of Melbourne, Legal Studies Research Paper No. 600; B. A. Coates, *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century* (2016); J. P. Scarfi, *The Hidden History of International Law in the Americas: Empire and Legal Networks* (2017).

[11]There are only a few exceptions in the literature. See, for instance, L. Eslava et al. (eds.), *Bandung, Global History, and International Law: Critical Pasts and Pending Futures* (2017); B. Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (2003); M. Koskenniemi et al. (eds.), *International Law and Empire: Historical Explorations* (2017).

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Secretary George Canning sought to limit French and Holy Alliance interventions in Spanish America and promoted a joint Anglo-American anti-colonial declaration. This proposal was positively received by US President James Monroe, but rejected by Secretary of State John Quincy Adams, who was in favour of an isolated US declaration, which was the position that finally prevailed. Quincy Adams contributed significantly to drafting the declaration that would become known as the Monroe Doctrine, especially its anti-colonial and anti-interventionist elements.[12] The doctrine also implied a spirit of US paternalism over Latin America, in that any intervention of the European powers in the Americas was regarded as a national threat to the US, as if the latter were the guardian of the Americas. This became more explicit when the US began to adopt an expansionist policy in Latin America in the mid-nineteenth century since the Mexican-US War (1846–1848) and the US annexation of Texas (1845).[13]

Latin American diplomats and politicians began to question how the Monroe Doctrine was deployed as a tool to legitimize US interventions in the region, in addition to standing against European intervention in Latin America. Yet, some prominent international lawyers in Latin America, such as Luis María Drago and Alejandro Alvarez, were supportive of the Monroe Doctrine and sought to redefine it as a Pan-American hemispheric principle of non-intervention. Alvarez took this stance as the US began to deploy it as an interventionist principle with the so-called Roosevelt Corollary of the Monroe Doctrine, which transformed the meaning of the Monroe Doctrine into a 'unilaterally defined' justification for the use of US military force in Latin America.[14]

For the first generation of Latin American jurists of the post-independence period, including among others Andrés Bello, Juan Bautista Alberdi, and Carlos Calvo, European traditions of international law were regarded, according to Liliana Obregón, as a fundamental influence to the extent that they gave birth to a new 'creole legal sensibility', deeply informed by European legal notions.[15] Latin American legal anti-imperialists in the early-twentieth century challenged the very idea of a 'creole legal sensibility', in that they took a step back, not only from the US and the Pan-American movement and the idea of American international law but also from European traditions of international law. Vicente Quesada, who could be considered a pioneering designer of this legal anti-imperialist tradition, sought to define what he termed a 'Latin American international law' as distinct from that of Europe and the US, arguing that the maintenance of peace in the region was not secured because of the Monroe Doctrine but instead, thanks to the principle of the *uti possidetis juris*, which was an authentic regional territorial principle of international law.[16]

Quesada explicitly rejected the initial plans of US Secretary of State James Blaine to promote Pan-Americanism. As advocated by Blaine, Pan-Americanism was originally a US-led policy of political, economic, legal and cultural co-operation towards Latin America and could also be

[12]On the precedents of the Monroe Doctrine and the influence of the Canning Doctrine see J. Sexton, *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America* (2011), 49.

[13]The Mexican-US War was a direct product of the US annexation of Texas in 1845 and it led to an armed conflict between the US and Mexico from 1846 to 1848. US President James K. Polk invoked the Monroe Doctrine as an expansionist principle over Latin America, and regarded the annexation of Texas as an initial move associated with US manifest destiny leading to its progressive expansion over the continent. As the annexation was not recognized by the Mexican government, Mexico sent forces to Texas to attack and displace US forces from the area and thus the US declared war on Mexico. The US increased 50% of its territory following the War. On the Mexican-US War see B. DeLay, *The War of a Thousand Deserts* (2008); W. LaFeber, *The American Age: U.S. Foreign Policy at Home and Abroad. Vol 1: to 1920* (1994), 125.

[14]W. LaFeber, 'The Evolution of the Monroe Doctrine from Monroe to Reagan', in L. C. Gardner (ed.), *Redifining the Past: Essays in Diplomatic History in Honor of William Appleman Williams* (1986), at 132; Scarfi, *supra* note 5.

[15]L. Obregón, 'Between Civilization and Barbarism: Creole Interventions in International Law', (2006) 27 *Third World Quarterly* 815.

[16]See V. G. Quesada, 'Derecho internacional latino-americano: del principio conservador de las nacionalidades en nuestro continente', (1882) 4 *Nueva Revista de Buenos Aires* 575; V. G. Quesada, 'Derecho internacional latino-americano: el uti possidetis juris y el derecho constitucional', (1882) 5 *Nueva Revista de Buenos Aires* 240.

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regarded as the 'the friendly face of U.S. dominance in the hemisphere'.[17] Quesada, along with Roque Sáenz Peña, who could also be considered a pioneering advocate of this tradition, examined the contradictions inherent in US interventionism, focusing on the uses and abuses of the Monroe Doctrine and the inability of the US to adjust its own behaviour to the basic standards of international law.[18] Sáenz Peña devoted an article to criticizing the Monroe Doctrine, arguing that it could never be regarded as a principle of international law. He referred to the original message of Monroe as a 'dilatable and elastic substance', an idea that became influential and was recovered by Pereyra, Fabela, and even Roig de Leuchsenring.[19] Likewise, Sáenz Peña made a case for a 'Latin American League', finding inspiration in Simon Bolivar's ideas.[20] Both Sáenz Peña and Quesada were pioneering in setting the grounds to move away from European and US legal traditions and the predominant 'creole legal sensibility' by the end of the nineteenth century. In their initial arrangements as part of the Argentine delegation in the First Pan-American Conference held in Washington in 1889–1890, they planned to confront the US.[21]

The so-called Roosevelt Corollary of the Monroe Doctrine produced a sharp transformation of the meaning and scope of the doctrine to the extent that it created the grounds for elastic unilateral usages of the doctrine, legitimizing US hemispheric interventions, as well as globalizing the scope and scale of such interventions in the name of civilization. Roosevelt famously affirmed:

> Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power.[22]

The Roosevelt Corollary not only consolidated US right to intervention in Central America and the Caribbean region, but it also soon became an important precedent for US global 'humanitarian interventions' beyond the Americas, invoking a legal right to enforce a 'police measure'.[23] More importantly, the use of force to protect US nationals abroad was a fundamental dimension informing this US interventionist and humanitarian redefinition of the Monroe Doctrine as proposed by the Roosevelt Corollary (1904), and it has also shaped contemporary notions of state responsability and the current practice of US-led humanitarian interventions in world affairs.[24]

The creation of the AIIL, a Pan-American organization founded in 1912 and financed by the Carnegie Endowment for International Peace (CEIP), generated the conditions for advancing a multilateral and continental Pan-American redefinition of the Monroe Doctrine. The AIIL was a specific continental legal project, promoted by the US, in particular by Secretary of State Elihu Root, his legal advisor James Brown Scott, and Alejandro Alvarez. It became connected to the

[17]D. Sheinin, 'Rethinking Pan Americanism: An Introduction', in D. Sheinin (ed.), *Beyond the Ideal: Pan Americanism in Inter-American Affairs* (2000), 1. On Pan-Americanism as a US-led policy and the contribution of James Blaine to the construction and consolidation of Pan-Americanism see D. Healy, *James G. Blaine and Latin America* (2001), 138.

[18]J. P. Scarfi, 'La emergencia de un imaginario latinoamericanista y antiestadounidense del orden hemisférico: de la Unión Panamericana a la Unión Latinoamericana (1880–1913)', (2013) 39 *Revista Complutense de Historia de América* 81.

[19]R. Sáenz Peña, 'Los Estados Unidos en Sud-América: La doctrina de Monroe y su evolución (1897)', in R. Sáenz Peña (ed.), *Americanismo y democracia* (2006), 76, at 86.

[20]Ibid., at 109.

[21]Scarfi, *supra* note 18.

[22]T. Roosevelt, 'Annual Message of the President to Congress', in *Papers relating to the Foreign Relations of the United States* Vol. 1, XLVIII (1904).

[23]S. Chesterman, *Just War or Just Peace: Humanitarian Intervention and International Law* (2001), 36–7.

[24]M. Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (2003), 53; M. Akehurst, 'Humanitarian Intervention', in H. Bull (ed.), *Intervention in World Politics* (1984), 97, at 103; M. Wight, *Power Politics* (1979), 195.

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Pan-American movement.[25] Drawing on the model of the US legal experience of the American Society of International Law (ASIL), which was founded in 1906, the AIIL successfully promoted the creation of national societies of international law in most of the countries of the continent. Once these were created by 1916, the organization co-ordinated the activities of these societies across the continent from Washington. Those international lawyers at the AIIL, such as Scott, Alvarez, Antonio Sánchez de Bustamante y Sirvén, Luis Anderson, and Víctor Manuel Maúrtua, believed in the existence of a specific continental approach to American international law and shared a common set of beliefs, based on US political and legal values. These were the Monroe Doctrine as multilateral and continental principle, the Platt Amendment, which legitimized US intervention in Cuba, the right to intervene to protect the lives and properties of foreigners located abroad; the ideal of Pan-American solidarity and hemispheric peace, and formal sovereign equality.[26]

Yet Latin American legal anti-imperialist jurists reacted in a different manner to the emerging US-led Pan-American movement and US interventionist and expansionist policies, since they adopted an alternative set of legal approaches and principles. In particular, regular US interventions in Cuba either under the Platt Amendment or the Monroe Doctrine, as well as the particular case of US intervention in Mexico in 1914, were interpreted, under the eyes of this group, as intrinsically problematic. Indeed, Fabela contrasted the Drago Doctrine, as well as the Carranza Doctrine, as authentic Latin American legal principles of absolute non-intervention, against the Monroe Doctrine, an elastic principle detached from legal norms. Both Fabela and Roig de Leuchsenring problematized, if not denounced, the idea of US exceptionalism, and its interventionist and elastic usages of the Monroe Doctrine in Latin America.

3. US interventions in Mexico (1914) and the Dominican Republic (1916), and the formation of a legal anti-imperialist tradition in Latin America

The Mexican Revolution, as well as the series of international conflicts that arose during its aftermath, particularly after US interventions in Veracruz (1914) and the Dominican Republic (1916), significantly changed the content and scope of legal anti-imperialist ideas in Latin America, particularly in Mexico and Cuba. These US interventions and the Mexican Revolution prompted a specific group of Latin American jurists to denaturalize the Monroe Doctrine, contributing in turn to the formation of this legal anti-imperialist tradition. Pereyra, Roig de Leuchsenring, and Fabela sought to contest US interventionist and elastic usages of the Monroe Doctrine, questioning its legitimacy as a legal doctrine. As will be shown in the following section, the creation of the League of Nations, the successful incorporation of the doctrine into the Covenant as Article 21, and its formal approval as part of a European-led international organization, created the scope and grounds for broadening and consolidating their legal critiques of the Monroe Doctrine as a legitimate principle of international law.

More specifically, US armed intervention in Veracruz in 1914 created opposing reactions in Mexico and the ABC countries, Argentina, Brazil, and Chile. On the one hand, the ABC countries made a proposal for mediation between Mexico and the US as a solution to the controversy. The ABC proposal led to later initiatives, promoted mainly by US President Woodrow Wilson, for a Pan-American Pact between the US and the ABC countries. In this context, there was an important liberal international optimism about the progress of Pan-Americanism and the AIIL.[27] On the other hand, Mexican reactions were defensive and distrustful about ABC mediation. Indeed, according to Isidro Fabela, Minister of Foreign Affairs under Venustiano Carranza

[25]J. P. Scarfi, *supra* note 10.

[26]Ibid., at 33.

[27]M. T. Gilderhus, *Pan American Visions: Woodrow Wilson in the Western Hemisphere, 1913–1921* (1986); Scarfi, *supra* note 10, at 63.

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(1913–1914), 'the ABC assumed the role of intervening in the internal affairs of our republic'.[28] These US and ABC intromissions in the internal affairs of Mexico led in turn to the construction of the so-called Carranza Doctrine, originally formulated by Fabela.[29] According to Fabela, the Carranza Doctrine was rooted in previous Latin American legal doctrines of non-intervention and the resolution of disputes over the collection of public debts in national courts, as formulated by Argentine jurists Carlos Calvo and Luis María Drago. At the same time, it implied a rejection of the Monroe Doctrine, which was interpreted by Venustiano Carranza and Fabela as an arbitrary protectorate with no juridical legitimacy and no reciprocity, creating the conditions for validating US arbitrary interventions across the region.

The constitutional government of Venustiano Carranza in Mexico promoted quite successfully after 1916 a series of campaigns of propaganda to disseminate the ideals of the triumphant revolution, particularly the Carranza Doctrine, throughout South America, especially in Argentina.[30] Notably, Fabela's visit to Argentina as Extraordinary Ambassador and Plenipotentiary Minister to Argentina, Brazil, Chile and Uruguay (1915–1918) had a much greater impact among anti-imperialist intellectuals, such as Manuel Ugarte, than on Argentine jurists and politicians. US politicians and diplomats disseminated a critical overview of the transformations introduced by the Mexican Revolution through cable news, and Carranza and Fabela were perceived as advocates of pan-Hispanism and anti-Americanism.[31]

Yet, even before the Mexican Revolution, in the first decade of the twentieth century, a new generation of anti-imperialist jurists and diplomats began to advance a more elaborated critique of both the Monroe Doctrine and US interventions in Central America, the Caribbean, and Mexico. This was the case of the Mexican jurist and historian Carlos Pereyra. He was formally trained as a lawyer and was a positivist intellectual of the so-called Porfiriato. Although he served as Secretary of the Mexican embassy in Washington for a short period, Ambassador in Belgium under Victoriano Huerta and eventually as Member of the International Court of Arbitration at the Hague, Pereyra established himself in Spain by 1916.[32] His approach has been defined as 'political hyper-realism', a perspective connected to his positivist education in the Porfiriato and his personal engagement with social Darwinist ideas.[33] In *The Myth of Monroe* (1916), Pereyra argued that the Monroe Doctrine was above all a myth, rather than a doctrine, regarding it as 'the initial historical lie'.[34]

Pereyra believed that the Monroe Doctrine could not be regarded as a principle of international law, nor could be considered a friendly Pan-American and common all-American anti-colonial doctrine. Ironically, by contrast, in the 1910s Alvarez, who was a founder of the AIIL and advocate of Pan-Americanism, began to advance the idea that the Monroe Doctrine should be redefined as a hemispheric principle of continental American international law. Pereyra departed from the liberal internationalist optimism and the solidarist and friendly approach to the Monroe Doctrine advocated by Alvarez.[35] In fact, he was explicit about the fact that Alvarez was overly optimistic regarding US interventionism in Latin America. Alvarez believed that the Roosevelt

[28]La Vanguardia, Buenos Aires, 6th July, 1915, cited in P. Yankelevich, *Miradas australes: Propaganda, cabildeo y proyección de las Revolución Mexicana en el Río de la Plata, 1910-1930* (1997), 97.

[29]F. Serrano Migallón, *Isidro Fabela y la diplomacia mexicana* (1981), 154.

[30]Yankelevich, *supra* note 28.

[31]See J. A. Britton, 'Redefining Intervention: Mexico's Contribution to Anti-Americanism', in A. McPherson (ed.), *Anti-Americanism in Latin America and the Caribbean* (2006), 37; on the tensions between Mexico and the US in this period see also M. T. Gilderhus, *Diplomacy and Revolution: U.S.-Mexican Relations under Wilson and Carranza* (1977).

[32]See A. Kozel and S. Montiel, 'Carlos Pereyra y el mito de Monroe', in A. Pita González and C. Marichal (eds.), *Pensar el antiimperialismo: Ensayos de historia intelectual latinoamericana, 1900-1930* (2012), 69, at 86.

[33]Ibid., at 82.

[34]See C. Pereyra, *El mito de Monroe* (1916), 25.

[35]Ibid., at 37; on Alvarez and solidarism see S. Neff, *Justice Among Nations: A History of International Law* (2014), 291; Scarfi, *supra* note 10.

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Corollary of the Monroe Doctrine (1904), legitimizing the use of international police power of the US in Central America, was to be abandoned. According to Pereyra, Alvarez was convinced that the Roosevelt Corollary was generating resistance and distrust both in the US and in South America, and could be potentially replaced by this friendly continental Pan-American version.

Pereyra fiercely criticized how the doctrine had become a key feature of the sentimental life of the US and Latin American countries, noting that the doctrine possessed a kind of 'sentimental polymorphism'.[36] When criticizing these false understandings of the doctrine, Pereyra found inspiration in the legal critique proposed by Sáenz Peña.[37] Though he drew on Sáenz Peña's observation that the doctrine was 'polymorph' and elastic, Pereyra's critique was more political than juridical.

Like Pereyra and Fabela, Emilio Roig de Leuchsenring, as a young member of the Cuban Society of International Law, advanced legal arguments that criticized the Platt Amendment and US attitude of tutelage in Cuba, as well as US interventionism and even colonial rule in other Latin American countries, especially Puerto Rico and the Dominican Republic.[38] Formally trained as a jurist, his anti-imperialist thought emerged in the legal elitist circles of Havana, but he was also closely engaged with renovated trends in Cuban intellectual and political life, particularly the journal *Cuba Contemporánea* and the intellectual circles of the Cuban Communist Party.[39] One of the first radical anti-imperialist contributions of Roig de Leuchsenring was devoted to criticizing US intervention in the Dominican Republic (1916). US intervention in the Dominican Republic took place in the context of an internal power conflict between two domestic caudillos Desiderio Arias and the recently elected Juan Isidro Jimenes. This conflict overlapped with another external conflict when the US demanded Jimenes accept US control over finances and customs. The terms also demanded a new police force be instated to replace the existing domestic guard. Jimenes refused to accept US hegemonic demands.[40] The US justified and maintained the occupation for an indefinite period of time in order to erase revolutionary and *caudillo* political culture and correct the Dominican Republic's disregard for the preservation of democracy. The latter was a central concern for US President Woodrow Wilson and a justification for intervening in other Latin American countries, including Mexico.[41] Roig de Leuchsenring's arguments against the military occupation of the Dominican Republic focused on stressing the contradictions and inconsistencies of US attitude towards international law and international conventions. Indeed, Roig de Leuchsenring showed that in order to justify its intervention, the US drew on the argument that the Dominican Republic had violated international conventions signed by the two countries, which was inadmissible as an argument to legitimize the intervention. Moreover, the US had also violated, he argued, certain conventions of the Second Hague Peace Conference (1907), particularly the Porter Convention, which drew on the principles outlined by the Drago Doctrine forbidding the recourse to interventions to collect public debts.

The obsession with the US application of the Monroe Doctrine in Latin America and its uses and abuses was also central to the international legal thought of Roig de Leuchsenring. In his speech, he alluded to the importance of adapting the Monroe Doctrine 'to the new social conditions of Latin America'.[42] He believed that the application of the doctrine has been 'usually

[36]Pereyra, *supra* note 34, at 13.

[37]Ibid.

[38]On Emilio Roig de Leuchsenring's solidarity with the movement for Puerto Rican independence see Power, *supra* note 2, at 34.

[39]N. Miller, *In the Shadow of the State: Intellectuals and the Quest for National Identity in Twentieth-Century Spanish America* (1999), 204.

[40]A. McPherson, *The Invaded: How Latin American and their Allies Fought and Ended U.S. Occupations* (2014), 35.

[41]Ibid., at 34.

[42]E. Roig de Leuchsenring, *La ocupación de la República Dominicana por los Estados Unidos y el derecho de las pequeñas nacionalidades de América* (1919), 62.

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terrible for the life of the Latin American republics'.[43] He thus put forward a formal proposal for the AIIL, stating that when discussing the 'Project for the Fundamental Rights of the American Continent or the World' it included an article reading as follows: '[n]one of the American states has the right neither could exert acts of domination, sovereignty or intervention over another state of the American continent'.[44] This statement is especially important, since it is indicative of the persistent pressure of Latin American jurists and diplomats, such as Roig de Leuchsenring, on the US to prompt it to recognize the principle of non-intervention as a continental norm, which was finally institutionalized in the Seventh Pan-American Conference held in Montevideo (1933). Moving away from the legal habitus of the AIIL, and thus pushing for the organization of a more robust and absolute adherence to the principle of non-intervention, he anticipated himself to the achievements of the Montevideo Conference. This shows the extent to which these figures contributed to the early invocation of legal and regional principles to safeguard the sovereignty of the Latin American nations from US interventions. As such, they, and in particular Roig de Leuchsenring, were pioneering figures of important continental debates over intervention that were to gravitate for many years in inter-American and world affairs from the 1910s up to the 1930s, 1940s and even the 1950s. More importantly, they contributed to consolidating the principle of non-intervention in inter-American and world affairs, first in the Montevideo Conference (1933), which also informed later the original formulation of the UN Charter (1945), especially Articles 2(7) and 2(4).[45]

4. The League of Nations and the reconfiguration of the international legal order: The golden years of legal anti-imperialism and its legacies

When the University Reform, initiated in Argentina in 1918, spread throughout Latin America, the idea of a Latin American Union, associated to Simon Bolívar and reformulated in a modern version by Sáenz Peña, became somehow achievable.[46] The international scene changed significantly by the end of the First World War with the creation of the League of Nations. Indeed, as a result of the University Reform and the crisis of Europeanism, most Latin American nations began to look inward, that is, to the national and regional Latin American contexts. [47] Furthermore, the Mexican Revolution had an important impact throughout Latin America, contributing to the resurgence of a defensive Latin Americanist vision.[48] Yet the League of Nations contributed very little to questioning US military occupations and interventionism in Latin America, as well as to support the regional causes of anti-imperialist liberation, self-determination and non-intervention.[49] While US interventions in Mexico and the Dominican Republic in the 1910s

[43]Ibid., at 63.

[44]Ibid., at 64.

[45]A. McPherson, *supra* note 40; M. P. Friedman, *supra* note 2; R. J. Vincent, *Nonintervention and International Order* (1974), 113, 233; I. Hurd, *International Organizations: Politics, Law, Practice* (2018), 48, 73.

[46]Sáenz Peña, *supra* note 19, at 109; The University Reform began in Cordoba (Argentina) as a student rebellion calling for the democratization of higher education. The student movement extended itself into the rest of the universities of Argentina first and later to many other public universities throughout Latin America. This led eventually to the reform of university laws and norms, the co-government shared between students and university authorities, and the establishment of free education and the non-payment of any fees for public university education. The University Reform regarded itself as a political and pedagogical movement with a Latin American and anti-imperialist mission. For a detailed overview of the regional impact of the University Reform see J. C. Portantiero, *Estudiantes y política en América Latina, 1918-1938: El proceso de la reforma universitaria* (1978); M. Bergel and R. Martínez Mazzola, 'América Latina como práctica: Modos de sociabilidad intelectual de los reformistas universitarios (1918-1930)', in C. Altamirano (ed.), *Historia de los intelectuales en América Latina. Tomo II* (2010), 119.

[47]Portantiero, ibid.

[48]Yankelevich, *supra* note 28.

[49]A. McPherson, 'Anti-Imperialism and the Failure of the League of Nations', in A. McPherson and Y. Wehrli (eds.), *Beyond Geopolitics: New Histories of Latin America at the League of Nations* (2015), 21.

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led some Latin American jurists and diplomats to forge an anti-imperialist legal sensibility and a critique of the legitimacy of the Monroe Doctrine, the creation of the League in the 1920s contributed to confirming their initial diagnosis and critique. The inclusion of the Monroe Doctrine as Article 21 of the Covenant epitomized, under the eyes of this group of jurists, the European and world acceptance of the Monroe Doctrine as a 'regional understanding'. As such, it confirmed US hegemony and its elastic and exceptional deployment of the doctrine in Latin America. The quest for denaturalizing the Monroe Doctrine as a principle of international law, as advanced by this group of jurists, became then more relevant and even timely as an authentic Latin American legal anti-imperialist project.

As has been shown, Fabela played a key role in formulating the so-called Carranza Doctrine and promoting its dissemination in South America, along with some of the achievements of the Mexican Revolution.[50] He was also a member of the intellectual circles of the Ateneo de la Juventud, and was to be later appointed as Judge of the International Court of Justice (1946–1952).[51] Fabela published his first important book on international affairs, *The United States Against Liberty* (1920), by the time when the Latin American University Reform began to adopt a continental character.[52] It was the first work by Fabela devoted to international affairs and it could be regarded as an early contribution to the emerging discipline of international relations, but it was written from the angle of international law.[53] This work epitomized a 'fervent repudiation against intervention', and a warning about what Fabela considered to be US systematic and persistent violation of international law.

Yet Fabela adopted a pluralist approach to international law. He combined a legal and critical analysis about principles and facts, such as the conventional friendly Pan-American version of the Monroe Doctrine, with a sceptical understanding of the limits of international law and thus the difficulties that weak nations face to moderate hegemonic relations. Indeed, he was aware of Mexico's weak position and its isolation from international affairs in the context of the revolution. Unlike Alvarez, who adopted a solidatist and optimistic understanding of the role of international law in international affairs and conceived of the Monroe Doctrine as a shared friendly Pan-American and all-American legal principle for the continent, Fabela was especially sceptical about both the Monroe Doctrine and the potentiality of international law for moderating relations of power politics. As such, he maintained a special sense of solidarity with Latin American weak nations in relation to great powers and a concern for the difficulties that the former face to deploy international law to protect themselves from the latter. In his own words, 'my purpose is to contribute to the formation of the history of North-American imperialism', so these 'notes can be useful for the political and diplomatic history of America and the understanding of applied Pan-Americanism'.[54] Fabela identified a sharp contradiction between US support of Pan-American solidarity and friendly anti-colonial versions of the Monroe Doctrine, and its promotion of liberty and the rule of law, on the one hand, and the regular practice of US interventionism in Latin America, on the other.

Fabela maintained throughout his career an obsession regarding the nature and scope of the Monroe Doctrine and the question of intervention, particularly US interventions.[55] Like Sáenz Peña and Pereyra, he regarded the doctrine as an elastic and flexible principle. Fabela progressively

[50]J. P. Scarfi, 'Mexican Revolutionary Constituencies and the Latin American Critique of US Intervention', in A. Orford et al. (eds.), *Revolutions in International Law: The Legacies of 1917* (forthcoming).

[51]On Fabela's career and his connections with the Ateneo de la Juventud see F. S. Migallón, *supra* note 29; F. S. Migallón, 'Estudio preliminar', in F. S. Migallón (ed.), *Con certera visión: Isidro Fabela y su tiempo* (2000), at 17.

[52]I. Fabela, *Los Estados Unidos contra la libertad: Estudios de historia diplomática americana* (1920), 308; see also F. S. Migallón, *supra* note 29, at 76.

[53]L. O. Bilbao, 'Radiografía del imperio: Los Estados Unidos contra la libertad, de Isidro Fabela', in A. P. González and C. Marichal (eds.), *Pensar el antiimperialismo: Ensayos de historia intelectual latinoamericana, 1900-1930* (2012), 101, at 103.

[54]Fabela, *supra* note 52, at 10.

[55]See, for example, his two later works: I. Fabela, *Las doctrinas Monroe y Drago* (1957); I. Fabela, *Intervención* (1959).

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began to consider the Monroe Doctrine as a fundamental tool for US interventionism in Latin America and for maintaining its elastic and exceptional behaviour in international law. His critique of the doctrine was rooted in the so-called Carranza Doctrine and was later addressed more consistently in *The United States Against Liberty*. Fabela devoted a great deal of attention to the denunciation of US interventionism in Cuba, an attitude that was to be praised later by his colleague and friend, Emilio Roig de Leuchsenring.[56]

Unlike the leading members of the AIIL and Alvarez, Fabela denounced the Platt Amendment. Moreover, he sought to demonstrate that Cuba offered an eloquent example of the violation of the Monroe Doctrine on the part of the US, connecting US imperial aspirations with the foundations of the doctrine. He asserted that the doctrine was intrinsically linked to US imperial aspirations in Cuba and Latin America. Although the Monroe Doctrine originally affirmed US commitment to the principle of non-intervention in the European colonies already established in the Americas, the US intervened in Cuba by the time when it was still a Spanish colony. This violation of the doctrine was a testimony of US conflictive relation with international law, predicating the principles of non-intervention through the Monroe Doctrine and practising at the same time interventionism in Cuba. Such violation led to the establishment of the so-called Platt Amendment in Cuba, which, among other protective impositions, gave the US a right to intervene in the island on a regular basis until 1934. 'For the Hispanic-Americans, the impositions that the Platt Amendment entails are a vivid sample of the behaviour of the United States towards the peoples of our race.'[57]

Like Theodore Roosevelt's Corollary, US President Woodrow Wilson's redefinition of the Monroe Doctrine was to have a lasting impact on Latin America and especially the global arena. By 1917, in his speech 'Peace without Victory', Wilson famously proposed the Monroe Doctrine as a much wider principle with a global scope, which eventually reinforced US exceptionalism and the aspiration of modelling and ordering the world along the lines of US political and legal values. He asserted: 'I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world.'[58] As an intellectual promoter of the League of Nations, Wilson also contributed to globalizing the doctrine through a different strategy; by pushing for the incorporation of an explicit reference to it in Article 21 of the League of Nations Covenant. Article 21 of the Covenant read as follows: '[n]othing in this Covenant shall be deemed to affect the validity of international engagements, such as Treaties of Arbitration, or regional understandings like the Monroe doctrine, for securing the maintenance of peace'.[59] Wilson's quest for the Monroe Doctrine to be accepted before the world had two perdurable effects. On the one hand, the doctrine began to be conceived, within US governmental and legal circles, as inter-connected to a much wider US global responsibilty in the context of its transition from hemispheric to global power. Indeed, Franklin D. Roosevelt by 1941, in the Second World War context, and Henry Truman in the early Cold War period believed that new areas could be opened to US control and leadership to consolidate US global hegemony as part of a new geo-political strategy.[60] On the other hand, the inception of the Monroe Doctrine within the Covenant, affirming that the League of Nations would have no jurisdiction over 'regional understandings' in the Americas, contributed to reinforcing US flexibility with international institutions and norms and at the very same time the normative legitimization of US leadership in Latin America, as accepted by European powers and the Covenant itself. As the US never joined the League,

[56]E. R. de Leuchsenring, 'Cuba en la obra antimperialista de Isidro Fabela', in I. Fabela and B. S. García (eds.), *Homenaje a Isidro Fabela, Vol. II* (1959), 571, at 571–2.

[57]Fabela, *supra* note 52, at 108.

[58]W. Wilson, 'Address to Senate, January 22, 1917', in A. S. Link (ed.), *The Papers of Woodrow Wilson* (1982), at 538–9.

[59]F. S. Northedge, *The League of Nations: Its Life and Times, 1920-1946* (1998), 324.

[60]W. LaFeber, *supra* note 14, at 134. Prominent US international lawyers, such as Philip Jessup, advanced in the 1940s the idea of globalizing the Monroe Doctrine in order to amplify the US orbit of defence. See P. Jessup, 'The Monroe Doctrine in 1940', (1940) 34 AJIL 704.

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Article 21 of the Covenant remained symbolic of the tensions generated between the Monroe Doctrine as a US national principle, and the League of Nations and international co-operation as an international ideal.[61] All in all, the deployment of the Monroe Doctrine allowed the US to begin to perform an exceptional global responsibilty in the construction of the League in particular and international institutions and norms in general without committing itself to be accountable or responsible towards them.

The United States Against Liberty was conceived in the context of the creation of the League of Nations, and Fabela regarded Article 21 of the Covenant as especially problematic since it validated the idea according to which the Covenant did not affect the status of the Monroe Doctrine as a 'regional understanding'.[62] According to Fabela, this proved that Europe legitimized the doctrine, originally promulgated by the US in a context of isolation in 1823:

> It seems—Fabela affirmed—that the majority of the European countries was comfortable with letting the United States to play a hegemonic role in the Americas. The inclusion, to a certain extent, of the Monroe Doctrine in the Treaty of Versailles was a good proof of that.[63]

Unlike Alvarez, Fabela stressed assertively that both Europe and Latin America should reject the Monroe Doctrine.[64] Fabela relied on the argument about the elasticity of the Monroe Doctrine, and the fact that it was essentially a myth. As such, it could never be considered a proper principle of international law. He asserted: '[i]t does not cost any work to understand that that elasticity of the Monroe Doctrine, which for the United States results as a brilliant attribute, for the iberoamerican republics is a threat'.[65] He went on to affirm that 'the truth is that neither Europe nor Hispanic America should accept this doctrine as a principle of international law, while the United States does not pronounce itself clearly about it'. Echoing Pereyra, Fabela asserted that 'the diplomatic history of the Americas demonstrates—to the "indoiberian continent"—with painful and actual evidence that this "Myth of Monroe" only serves to harm and in any case to its benefit'.[66]

Like Fabela, Roig de Leuchsenring felt compelled to respond to the challenges posed by the redefinition of the Monroe Doctrine in Article 21 of the Covenant. In the context of the Annual Meeting of the Cuban Society of International Law held in 1920, Roig de Leuchsenring put forward a proposal, recommending that the AIIL in its future meeting should discuss and agree on a common meaning and scope for the Monroe Doctrine. Like his previous proposal for considering the principle of absolute non-intervention, this idea was not taken as part of the agenda of the organization, since most of their members were supportive of the doctrine and thus believed it was not worth problematizing its implications. Roig de Leuchsenring shared Fabela's interpretation of the doctrine to the extent that he referred to the Carranza Doctrine, which was to a large extent Fabela's initiative, and the official Mexican rejection of the Monroe Doctrine. Roig de Leuchsenring believed that 'the North-American governments gave an extension and elasticity to the Monroe Doctrine' harming 'the life, liberty and sovereignty of the Latin American republics', which in turn 'has created resentment, hostility and opposition' towards the doctrine. As such, the doctrine could not be legitimately considered as a principle of international law.[67] Roig de Leuchsenring was more explicit than Fabela about the fact that the Monroe Doctrine created a state of exception. He believed it could habilitate US unilateral intromission in the affairs of Latin American nations and argued that when Woodrow Wilson advocated for the inclusion of Article 21 in the Covenant he was loyal to the internal demands

[61]D. Perkins, *A History of the Monroe Doctrine* (1960), 304, 305.
[62]Fabela, *supra* note 52.
[63]Ibid., at 306.
[64]Ibid., at 310.
[65]Ibid., at 309.
[66]Ibid., at 310.
[67]E. R. de Leuchsenring, *La Doctrina de Monroe y el Pacto de la Liga de las Naciones* (1921), 18–19.

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within the US political establishment for the 'special exception of such doctrine'.[68] Roig de Leuchsenring concluded that Article 21 created a paradox, which was extremely dangerous for the sovereignty and territorial integrity of the Latin American republics. According to him:

> it suffers from the serious defect of converting into law an international policy of the American Continent, accepted and recognized by all the nations of the Old and New World, a contract that, though bilateral, in reality was, as it is today, simply unilateral, dictated by one part, which is at the same time executor and judge, and applied and imposed to others; this is equivalent to ask to the United States that they define and address the scope of the Monroe Doctrine.[69]

In short, though the idea of US exceptionalism in human rights and international law was not already addressed as a concept neither as a subject of debate in the early 1920s, Roig de Leuchsenring and Fabela addressed implicitly that the US had contributed to validating the Monroe Doctrine, creating conditions for legitimizing a state of exception and US exceptionalism with respect to international law and the League Covenant.

By the end of the 1920s, Fabela's legal approach to anti-imperialism became more radical. By 1928, he sent a message from Paris to the Latin American delegates appointed for the Sixth Pan-American Conference to be held in Havana, stressing the importance of defending Latin-Americanism against Pan-Americanism and recommending them to raise the question openly about the implications of the Monroe Doctrine, like Roig de Leuchsenring suggested by 1921, as well as US interventionism in Latin America. By the 1920s, Paris was an important epicentre in the diffusion of anti-imperialist ideas among immigrants from Third World nations residing in the European metropolis.[70] Writing from Paris, Fabela recommended that the Latin American delegates should raise openly the following questions:

1) Is it Pan-Americanism compatible with the interventions carried out by the United States in some of the nations of the continent?
2) What is the meaning and scope of the Monroe Doctrine?
3) Does the Monroe Doctrine suit and bind the Latin Americans?
4) Should Pan-Americanism persist or should be replaced by Latin-Americanism?
5) In the face of a probable denegation of justice on the part of the United States, with respect to those fraternal nations that it has subjugated, what should be the attitude of Iberian-America?[71]

In his recommendations to the Latin American delegates, Fabela sought to denaturalize the Monroe Doctrine, arguing that Latin Americans have historically rejected the doctrine, in an attempt to replace it by alternative regional legal principles, notably the Drago Doctrine. Fabela was to affirm later that while Drago 'should be considered in the history of public international law as one of the champions of the principle of non-intervention', Alvarez admitted scope for 'collective interventions', which posed a threat for Latin American nations.[72] Alvarez advocated the redefinition of the Monroe Doctrine as a continental principle of American international law. By contrast, Fabela reframed the Drago Doctrine, originally conceived as a corollary of the Monroe Doctrine, as a Latin American anti-imperialist principle of international law.

[68]Ibid., at 25.
[69]Ibid., at 43.
[70]M. Goebel, *Anti-imperial Metropolis: Interwar Paris and the Seeds of Third World Nationalism* (2015), 1–20, 116–48.
[71]I. Fabela, 'A los señores Delegados Latinoamericanos', in I. Fabela, 'Los Estados Unidos y la América Latina (1921-1929)', (1955) 16 *Cuadernos Americanos* 71, at 71.
[72]I. Fabela, *Intervención* (1959), 154, 161.

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At the Sixth Pan-American Conference held in Havana (1928) the Latin American delegates did not succeed in getting the principle of absolute non-intervention approved.[73] This generated an important frustration among a number of Latin American jurists and diplomats, particularly Roig de Leuchsenring. In fact, Roig de Leuchsenring was explicit about his own frustration and the need for Latin America to reverse the existing situation, defending the principle of absolute non-intervention and its sovereignty in the face of US interventionism. Therefore, he proposed a motion for the Cuban Society of International Law to express officially 'its regret for not succeeding in establishing an agreement to proclaim, in a broad and absolute sense, the principle of non-intervention as a fundamental basis of American solidarity'.[74]

By the time of the Havana Conference (1928), the legal attitudes of both Fabela and Roig de Leuchsenring reached their highest peak of confrontation towards the US. Nevertheless, when the context of US-Latin American relations changed by the 1930s with Franklin D. Roosevelt's proclamation of the Good Neighbour Policy, the derogation of the Platt Amendment and the emergence of inter-American multilateralism, non-intervention, sovereign equality, and state personality,[75] a great number of anti-imperialist initiatives for creating a Latin American Union began to decline and so did, temporally, the legal anti-imperialist approach advocated by Fabela and Roig de Leuchsenring.

Yet, Latin American legal critiques of the Monroe Doctrine on the grounds of its elasticity and its close connections to the long-standing trajectory of US exceptionalism could illuminate certain legacies and shed light into US transition from hemispheric to global hegemony in the twentieth century. Following US entrance into the Second World War and the rise of the Cold War and the so-called Truman Doctrine, the Monroe Doctrine was globalized and thus its scope was extended beyond the Americas as a principle positioning the US as a world hegemon with a global challenge and responsibility.[76] When the British government took the decision of pulling out of South-Eastern Europe and the Near East, Harry S. Truman took the view that it relied on US global responsibility to support free people against 'armed minorities' in the area and intervene there in the name of democracy and freedom to contain the potential threat of a Soviet occupation and the dissemination of totalitarianism. The Truman Doctrine was, thus, restating with a different twist the premises of the Monroe Doctrine in Theodore Roosevelt's version. According to the Truman Doctrine, the US had to assume the humanitarian and interventionist mission of safeguarding the world, and not simply the Americas, from its 'wrongdoings'.[77] When the US declared the war on terror following the attacks of 11 September 2001, according to George W. Bush, once again 'freedom itself is under attack', and therefore the US global challenge was to save the world, not from Soviet totalitarianism, the Nazi threat or Central American wrongdoings, but rather from the global threat of terrorism. This phenomenon posed important risks for the maintenance of democracy and freedom, as promoted globally by the US.[78] Like the Truman Doctrine and Theodore Roosevelt´s Corollary, the Bush Doctrine presumed that it was US responsibility to assume an exceptional and unique role to save the world from a much broader wrongdoing: terrorism. In order to legitimize such a broad and messianic world mission declaring a just war against terrorism, it was necessary once again to create blank checks and a much wider scope of action for enforcing US humanitarian interventionism.

[73]On the Havana Conference see Scarfi, *supra* note 10, at 119.

[74]E. R. de Leuchsenring, 'El principio de no intervención en el Instituto Americano de Derecho Internacional y en la Comisión de Jurisconsultos Americanos', (1928) 7 *Revista de Derecho Internacional* 367, at 385.

[75]G. Grandin, 'The Liberal Traditions in the Americas: Rights, Sovereignty, and the Origins of Liberal Multilateralism', (2012) 117 *The American Historical Review* 68; Scarfi, *supra* note 10, at 119.

[76]W. LaFeber, *supra* note 14, at 135.

[77]Bacevich, *supra* note 3, at 228.

[78]Ibid., at 229.

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5. Conclusion: The Monroe Doctrine as an elastic and exceptional principle and the difficulties faced by weak Latin American nations

The convergences between the emerging discourse of international law and anti-imperialist ideas contributed to forging a Latin American tradition of legal anti-imperialism, which had a perdurable influence on Latin American international thought. As shown throughout this article, Pereyra, Roig de Leuchsenring, and Fabela, as well as Quesada and Sáenz Peña, belonged to a common and consistent Latin American anti-imperialist tradition. Firstly, as such, they regarded the usages of the Monroe Doctrine as an elastic and exceptional principle that posed a threat to Latin American territorial integrity and sovereignty. They argued that it did not have any legal status and was also invoked in the name of both unilateral interventions and Pan-American co-operation towards the Latin American nations, generating enthusiasm and confusion among some Latin American figures, such as Alvarez. Secondly, although Pereyra, Fabela and Roig de Leuchsenring and Quesada and Sáenz Peña belonged to Mexico, Cuba, and Argentina and their own countries were affected in different ways by US interventions, they proposed a legal and regional approach beyond the concerns of their own countries. Fabela showed his own solidarity with US interventions in Cuba under the Platt Amendment and Roig de Leuchsenring with the Dominican Republic. Likewise, Pereyra put forward a critical regional analysis of the Roosevelt Corollary and Alvarez. Quesada´s quest for a regional Latin American international law and Sáenz Peña's advocacy for a Latin American League are also both exemplary of similar regional concerns. Thirdly, these figures did not only anticipate the principle of absolute non-intervention, as it was institutionalized in the Montevideo Conference (1933), but also contemporary debates about US exceptionalism in international law and human rights and the connections between the Monroe Doctrine and the Truman and Bush Doctrines during the Cold War and post-Cold War periods. As such, they sought to understand a dimension that has gravitated in US attitude towards international law and international organizations until the present day and has become only very recently a central subject of debate: the paradox between US world promotion of international law and the respect for human rights in other countries, and US inability to adjust its own legal, political and international standards to these values. This group of Latin American jurists detected this paradox when it was *in nuce*, stressing the inconsistencies between US promotion of the rule of law, liberty and Pan-American solidarity, and its violation of these very same principles in Latin America.

Finally, Pereyra, Fabela, and Roig de Leuchsenring, as well as Sáenz Peña and Quesada, took a step back from the dominant legal habitus of the AIIL and the Pan-American movement, and established instead close contacts with public intellectuals, the political transformations that emerged from the Mexican Revolution, and some of the new political parties and movements of the early-twentieth century, adopting a distinctive Latin American legal anti-imperialist posture.[79] As such, they sought to redefine and deploy international law in the name of weak nations. They can be regarded as legal revisionists in that, unlike the jurists engaged within the AIIL and the Pan-American movement, they identified a long-standing problem in US attachment to the Monroe Doctrine as an elastic and exceptional principle in Latin America. Rooted in a past revisionist understanding of international law, the Latin American quest for denaturalizing the Monroe Doctrine and US exceptionalism in the name of both weak nations and international law could prompt to forge contemporary revisionist approaches for challenging great power politics, the use of force and current US-led imperial usages of international law.

[79]Bourdieu, *supra* note 6.

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