



ETHICS &
INTERNATIONAL AFFAIRS



A READER



JOEL H. ROSENTHAL
AND CHRISTIAN BARRY, EDITORS



THIRD EDITION



Ethics & International Affairs


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Joel H. Rosenthal
Christian Barry
Editors

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A Reader

Third Edition

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Preface

Ethics & International Affairs—the quarterly journal of the Carnegie Council—is now in its third decade. The inaugural issue appeared in 1987, when the idea of a world without the Soviet Union was not yet seriously considered, and ethics and public policy at the international level were debated within the confines of controlling ideas, such as “containment” and “moral equivalence.” More than twenty years later we still find value in realist frameworks, yet we also welcome the growth of a new, less encumbered literature addressing issues of global scope and concern.

Contributors to *Ethics & International Affairs* draw on applied ethics and international normative theory to address moral problems in world politics. Whether the problem be well known or overlooked, long-standing or immediate, local or truly international, our authors apply moral reasoning—informed by facts and shaped by the structures of philosophical and social scientific inquiry—to deepen understanding and push toward some resolution. In this way, our approach is *normative*; that is, it prescribes and explains expected and required behavior in accordance with ethical systems and intuitions. Yet it is also *empirical* in that it places policy choices within historical and political contexts. Over the years we have witnessed an increase in the number and range of authors writing about world politics who combine normative and empirical work.¹ However, to the extent that this increase has been a consequence of new global dilemmas and worrisome trends, we may view it less as an occasion to indulge in celebration, and rather as cause for a redoubling of rigor and creativity in the field of international ethics.

But what is this “field” of international ethics? Who, in particular, are we referring to? With its methods and problems intersecting with a range of other fields and disciplines, as well as implicating several levels of analysis—from individuals to global society—international ethics is not a field that can be clearly delimited, or even identified with a single university department (as if it were confined to universities at all). At its theoretical core, international ethics can be said to overlap with that aspect of the international relations field that engages realism and its critics, as well as with discussions of cosmopolitanism and *its* critics arising among moral and political philosophers.

Of course, this is a mold that will be quickly broken, even by the chapters in this volume, which have been penned also by economists and historians.² However, even focusing only on the international ethical debates within and between

the fields of international relations and philosophy, it is safe to say that, with their growing technical maturity, the range of included perspectives, their responsiveness to real-world developments, and the willingness on the part of political scientists and philosophers to borrow from, talk to, and collaborate with one another, the field has made definite strides forward in recent years.³

International ethicists have also displayed a steady tendency toward specialization, endeavoring to add value and gain traction on an issue-by-issue basis. Today, the field takes in debates about atmospheric justice, sovereign debt, human rights trials, and, among others, the topics broached in these pages: war and postwar reconciliation, intervention and its prospects, the boundless question of how communities can best determine just principles of authority and inclusion, and the ethics and politics of global inequality. Whereas the previous editions of this book were structured in an open-ended manner, with sections on “theory,” “culture,” and “issues,” the contents of this volume are instead ordered by topic, recognizing and reflecting the increased maturity and self-consciousness of the field. Needless to say, the contributions to theory and awareness of culture are no less salient in the present edition than in the past, but the context for them is now given as “topics in international ethics” rather than, say, questions of whether there is even a role for ethics in international affairs.

In making the selections of which conversations and contributions to include in this new edition, the aim has certainly not been to generate the greatest “hits” of international ethics, nor the greatest “misses” of global public policy, as if there had not been innumerable worthwhile contributions elsewhere in the literature, or as if the chosen topics are those we regard as most pressing or most deserving of wide discussion. Even though in the case of every contribution included here the discussion is ongoing rather than closed, the conversations should be taken as invitations to normative, empirical discussions and studies of whichever international issues are uppermost in readers’ minds. The aim in making the current selections was to serve the contemporary international ethics classroom as efficiently as possible, as well as to invite and inform other new readers in the field. We have thus compiled resources that we suspect will be of special value in engaging and instructing a new generation of international ethicists and informed members of world society.

We hope we have balanced these desires—to supply a volume fit for the ethics classroom, and to reflect the growing maturity of the field—without misrepresenting or overdetermining the shape of the discussions from which the selections presented here are drawn. Helpful here may be the fact that each of the four sections offers a slightly different experience of the debate it confronts. The section on war gives a sense of how its interlocutors have stepped in to confront the normative dimensions of new security challenges, such as the demands of justice in “transitions,” particularly in the aftermath of war, and

the shake-up of the normative order suggested by the concept of “prevention”—with the discussion underwritten in no small part by the seminal contributions of Michael Walzer, critiqued from a realist perspective in the first of our chapters. The intervention section takes a slightly different tack, exploring the theory, history, politics, and prospects of normative evolution with regard to sovereignty and its exceptions. The section on governance, meanwhile, provides the material for a sophisticated consideration of how discussions of justice and legitimacy differ, and how they are interrelated, as we begin to think across borders—in this case, of nation and gender—and up and down levels of international life. Finally, the section on global economic justice rolls out a number of discrete approaches to framing and analyzing the predicaments of economic inequality and underdevelopment. The volume as a whole thus provides a sampling of the many ways in which one can encounter the literature on moral problems in international affairs, and, as mentioned, it invites readers to fill the gaps, whether through further reading or through developing their own contributions.

There are a number of other more general remarks to make about the essays in this reader: these relate less to issues of structure and how the essays reflect the field than to how a reading of these texts can deepen our understanding of important themes in international ethics and provide material out of which to construct some guidance for the literature moving forward. We have, after all, some obligation to redirect as well as to reflect. The first point to make is that, even while their work increases in specialization and sophistication, international ethicists will find it valuable to remain alive to the basic questions and limits of ethical reasoning: How should one live? By what values and standards? And how can the trade-offs inherent in political choice be managed? As representative of the best work in our field, the essays in this volume take it as a given that politics is an arena of imperfection: to engage in ethical reflection is simply to ask, Can we do better? At the very least, with clear thinking, good ideas, and the mustering of international political will, the worst policies can be avoided.

Second, one should note that the debate in this reader takes place in an interconnected world, with globalization unleashing and empowering new actors and possibilities. In the past, international relations scholars focused rather narrowly on the behavior of states. Today we see world-changing concentrations of power in multinational corporations, nongovernmental organizations (NGOs), and international institutions. Indeed, the world’s largest corporations, such as Wal-Mart and Microsoft, are themselves some of the world’s largest economies. NGOs, such as Human Rights Watch and Médecins Sans Frontières, demand the attention of superpowers, middle powers, and failing states alike. And international organizations, such as the United Nations and the World Bank, assert themselves in decisive ways on a variety of functional issues, ranging from environmental regulation to humanitarian relief and

poverty alleviation. The project of updating our normative and empirical tool kit and vocabulary to respond to this changing global picture remains far from complete. International ethicists must, and surely will, continue the process of engaging the ethics of global business, global civil society, and global governance alongside, but not independent of, considerations of just war and other such topics that predate and still pervade the global village. Part of the mission of international ethics moving forward will be to better grasp how the “international” and the “global” are related.

Third, we should endorse the notion that monism—a single-minded, all-or-nothing approach to ethics and international affairs—is simply inadequate. Human judgment is known to be faulty and limited. New information often changes our views: while “truth” may be our ultimate goal and guide, our understanding of it may change over time. The first of Hans Morgenthau’s “Nine Rules of Diplomacy” has especially lasting value in light of the current political climate in the United States. It reads simply: “Diplomacy must be divested of the crusading spirit.”⁴ Humility is required even in the face of conviction; international ethicists, for instance, must not be driven by the combative spirit often inherent in scholarly debates to let their professional convictions override what we should all agree on: that perhaps we are wrong.

Another unifying theme in these essays is an abandonment of ideology in favor of an enlightened realism that emphasizes pluralism. According to “enlightened realists,” conflict is neither fated nor random. Interests are neither fixed nor self-defined. Decisions can be made according to reason, always requiring the weighing of claims in light of evidence. Some of our authors might prefer the label “realistic utopians.”⁵ They would see their work as describing the gap between what we ought to be doing and what we are doing. If we can sketch out what is morally desirable, we then have an end or a goal by which we can set the direction of our policies and gauge our results. To the extent that a meeting of enlightened realists and realistic utopians offers a fair portrayal of contemporary international ethics, it is an encouraging portrayal—certainly more so than the earlier image of realists confronting idealists.

Finally, a discernible “weak universalism” threads through the work in this volume. By “universalism” we mean a shared commitment to universal human dignity and social justice. The modifier “weak” acknowledges the pluralistic notion that shared principles of humanity will take different forms in different circumstances. The essays that follow seek neither perfection nor homogenization; rather, they pursue mutual understandings based on what is common in human experience. Paradoxically, the most common aspect of human experience is difference itself. How we live with difference—especially in light of common problems—will continue to be one among the many pressing questions faced by international ethicists.

It is in the spirit of mutual learning that we offer these essays for your consideration. The inquiry is open and unfinished, as it should be. We urge you to carry that inquiry on.

NOTES

1. For a discussion of the relationship between empirical and normative research on world politics, see Christian Reus-Smit and Duncan Snidal, "Reuniting Ethics and Social Science," *Ethics & International Affairs* 22, no. 3 (2008): 261–71.
2. Over the years *Ethics & International Affairs* has also welcomed contributions from psychologists, sociologists, lawyers, theologians, regional specialists, activists, policymakers, and policy professionals, among others.
3. See, for instance, the essay by the ethicist Allen Buchanan and the political scientist Robert O. Keohane in this volume, as well as their "The Preventive Use of Force: A Cosmopolitan Institutional Proposal," *Ethics & International Affairs* 18, no. 1 (2004): 1–22. For an example of a philosopher and an economist collaborating on a pressing topic of global scope and concern, see Christian Barry and Sanjay G. Reddy, *International Trade and Labor Standards: A Proposal for Linkage* (New York: Columbia University Press, 2008).
4. Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, seventh edition (New York: McGraw Hill, 2006), 559.
5. The term *realistic utopia* appears in John Rawls's *Law of Peoples* (Cambridge, MA: Harvard University Press, 1999). Rawls's vision of international ethical principles takes human nature as we find it.

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PART ONE



Conflict and Reconciliation

Is war always wrong? Or can the use of large-scale, organized violence sometimes be justified? Does it even make sense to apply moral principles to war? What have theorists and philosophers had to say about the problem, and how has the discussion developed in the course of history and in response to events? What is a so-called just war? What does it mean to have a just cause? How likely and imminent does an attack have to be to justify preemptive war? Does a responsible government act to deter its enemies, or strike first to neutralize potential threats? What justifies prevention? Is war a realm of necessity, or of ethics? What is a just peace?

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In Defense of Realism

A Commentary on *Just and Unjust Wars*

David C. Hendrickson

JUST AND UNJUST WARS made its appearance in the wake of an unpopular and unsuccessful war. It condemned that war, both the reasons for entering it and the methods of waging it. *Just and Unjust Wars* also appeared at a time when the principal military disposition governing America's relations with its then-great adversary seemed destined to persist indefinitely. While lamenting the "necessity" imposed by deterrence, Michael Walzer reluctantly approved of that arrangement despite the fact that it rested on the threat to destroy millions of noncombatants. "We threaten to do evil in order not to do it and the doing of it would be so terrible that the threat seems in comparison to be morally defensible."¹ The moral condemnation of the unthinkable—nuclear war—was thus balanced by the acceptance of the arrangement that constituted at the time the limiting condition of all our lives.

Walzer's work is directed against "realism," against the view that presumably denies the "moral reality" of war and its conduct. Realism, Walzer argues, considers war to be "a world apart . . . where self-interest and necessity prevail."² In this world, right and wrong, justice and injustice, have no place. If war belongs to the realm of necessity, it makes no more sense to pass moral judgment on it than it would to pass moral judgment on catastrophes occurring in nature. These catastrophes—a flood or an earthquake—may have awful consequences, but they cannot pose moral dilemmas. They are neither just nor unjust. Realism is considered to say the same of war.

Just and Unjust Wars proceeds from the assumption, and conviction, that neither the resort to war nor the conduct of war may escape moral judgment. "I am going to assume throughout," Walzer declares at the outset of his study, "that we really do act within a moral world; that particular decisions really are difficult, problematic, agonizing, and that this has to do with the structure of that world; that language reflects the moral world and gives us access to it; and finally that our understanding of the moral vocabulary is sufficiently common

and stable so that shared judgments are possible.”³ The just war Walzer intends to “recapture” for political and moral theory is to displace a view of war identified, in the main, with realism.

The assumption that political realism can be reduced not simply to “moral skepticism” but to a kind of moral atheism is often adopted by contemporary writers on the ethics of statecraft. Curiously, self-proclaimed realists rarely say this; it is the critics of “realism” who insist that the central core of the doctrine—deserving the most elaborate refutation—is that morality must be banished from the realm of international affairs. Walzer is not alone in taking this version of realism as his point of departure, but there is a certain irony in his decision to do so. For there are important respects in which *Just and Unjust Wars* begins by rejecting realism and ends by accepting it—rejecting, that is, the more extreme (or vulgar) claims that are often identified with realism while accepting some classic realist precepts.

Such a thesis can only be advanced with reticence, for the central claims of political realism are frequently subjected to wildly divergent interpretations. Realism may be best characterized, we think, as indicative of a general disposition toward politics. It emphasizes the egocentricity of human beings, particularly when they act in groups. It sees conflict as a never-ending feature of the human condition, which can be mitigated in particular settings but never overcome. It sees moral exhortation as something that is easily swept aside or distorted when it is in the interest of political communities to do so. It insists that politics neither follows nor reflects a simple rational scheme; that statecraft must always proceed from a given situation which may gradually be altered but which cannot suddenly be transformed either by an act of will or by an appeal to reason; that attempts to transform society—particularly international society—underrate the forces resistant to change and consequently the repressive measures necessary to overcome resistance; and that whatever the professions of those who wield power, the political actor seldom if ever acts for reasons as disinterested as are invariably alleged. These are all empirical observations, and though they certainly bear on the ethical questions raised by the conduct of statecraft they do not constitute an ethical doctrine. Their chief implication is a counsel against the adoption of ethical systems that demand too much abnegation or sacrifice—systems that, as Montesquieu said, “convince everybody, but change nobody.”

The realist, then, is skeptical both of men and of the possibilities of political action.⁴ His emphasis is on the limitations attending the conduct of statecraft. As such, he is resistant to schemes of universal order and security. Instead, his outlook tends toward particularism; he takes his bearings from existing diplomatic constellations. He tends to value order over justice, or at least to see order as a fundamental condition of justice. His is an inherently conservative view of politics in which prudence is given a central place.

Although these are the general characteristics of realism, it does not follow that those who share them—realists—will entertain the same views about policy. There is no straight line leading from these characteristic features of realism to “good policy.” This is so even if we define good policy, as realists do, as policy calculated to preserve the independence and well-being of the political community. To be sure, realism prescribes prudence; it insists that the political actor concern himself with the probable consequences of action. But prudence cannot in itself provide the purposes for which political action is undertaken; it cannot provide even the basis of a political ethic. Prudence places no restraints on political action other than caution and circumspection; it sets no limits to self-interest other than those limits imposed by the situation in which policy must be conducted; it is compatible with any and all purposes holding out the prospect of success. Before the statesman can be prudent, there must be something for him to be prudent about. Realism holds that he must be prudent about the security and independence of the state.

The essential claim of realism may be better understood if we look at two well-known formulations of the rights and duties of states, and ask whether realism, properly understood, is incompatible with either. In his *Spirit of the Laws*, Montesquieu held that “le droit des gens”—variously translated as the right or law of nations—“is by nature founded on the principle that the various nations should do to one another in times of peace the most good possible, and in times of war the least ill possible, without harming their true interests.” Alexander Hamilton’s formulation, at first glance, was similar. He did not advocate “a policy absolutely selfish or interested in nations,” but insisted rather that “a policy regulated by their own interest, as far as justice and good faith permit, is, and ought to be, their prevailing policy.” Both these formulations recognize the priority of what Vattel called “the duties to oneself” over “the duties to others,” but qualify or limit the pursuit of such duties (or “national interests”) in different ways. Montesquieu is not normally considered a realist, but the utilitarian character of his formulation, together with the primacy it allows for the pursuit of national self-interest, closely resembles the way in which most realists reason about ethics and statecraft.⁵

Hamilton’s formulation, ironically, is more restrictive than Montesquieu’s; the counsel of this great American realist is, if taken literally, inconsistent with “realism.” States, he says, are to pursue their interests within the limits imposed by justice and good faith. Realists, by contrast, have normally said that states may break faith and employ unjust means when their survival and independence are threatened. Publicists of the law of nations denied this exemption. Though the right of self-preservation, according to Vattel, carried with it “the right to whatever is necessary for that purpose . . . , these means must not be unjust in themselves, or such as the natural law absolutely prohibits.” Those who took the other side of this argument based the exemption on the old

Roman doctrine of public safety—*salus populi suprema lex est*. Though the doctrine of necessity or of “public safety” is rightly identified with realism, it is sometimes affirmed by personages not normally thought of as realists. Jefferson, for instance, held that “[a] strict observance of the written laws is doubtless one of the high duties of a good citizen, but it is not the highest. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation.” Such is what all realists have believed; such is their distinctive claim.⁶

If realism does not and cannot provide the answer to what constitutes “good policy,” it does hold out an answer to one, and perhaps the most profound, moral dilemma of statecraft: that of the means states may employ when their security and independence are threatened. While realism recognizes the “moral reality” of war, and thus the imperative that war’s conduct ought to be subject to moral and legal constraints, it also recognizes that where the state’s independence and continuity are in jeopardy, the statesman may—indeed, should—take whatever measures are required to preserve such independence and continuity. The ancient doctrine of “necessity” in statecraft is at once very old and very contemporary. We have only recently escaped its oppressive grip, having lived almost constantly with it from World War II until the end of the age of deterrence, circa 1990. In this period, necessity not only formed the limiting conditions of our lives but, in nuclear deterrence, seemed to express a near permanent state of things.

The argument of necessity in statecraft is not to be taken literally. Clearly, at the root of this view is not simply an explanation but a choice. The necessity that is presumably imposed on the statesman is in the end a “moral necessity” enjoining him to do that which is necessary to preserve the state’s independence and survival. What appears as a necessity does so because a moral choice has already been made. The appeal to necessity is compatible with restraint on state action as long as those restraints do not appear to jeopardize the independence and survival of the political collective. The concept of necessity only constitutes a permission to override moral and legal restraints in “extreme” situations (“when the safety of the state is in question”); by evident implication, this very limitation constitutes a recognition that such restraints are obligatory in “normal” circumstances. But whether restraints can be observed will depend upon the immediate circumstances in which the statesman must act and not upon abstract considerations (or upon a retrospective wisdom and detachment the actor cannot have).

There is no difficulty in cataloguing the many abuses to which the appeal to necessity, the heart of the doctrine of reason of state, has led in practice. These abuses, moreover, are not accidental; they are built into the very character of the doctrine and may be traced to the uncertainty that attends the concept of the collective “self” as well as the nature of the society in which states must

define the self and its necessities. For that society renders tenuous the distinction between security and survival. In collapsing this distinction, as states are prone to do, the door is opened to all kinds of abuses. Still, it does not follow that it is meaningless to speak of the self-preservation or survival of states. The condition of necessity may, and does, arise. Reason of state declares that when it does, all other considerations should be subordinated to the safety of the state.

Walzer does not reject the argument of necessity. What he terms “supreme emergency” serves, in principle, the same purpose as does the doctrine that has always been closely identified with realism. It is the case that Walzer accepts necessity only with great reluctance and unease. “I want to set radical limits to the notion of necessity,” he insists on more than one occasion. More than this, he makes an impressive and commendable effort to do so. Even so, in the end he comes back to the conclusion others, mainly realists, have come back to. The demands of necessity are not denied. “Can soldiers and statesmen override the rights of innocent people for the sake of their own political community?” he asks, and replies: “I am inclined to answer this question affirmatively, though not without hesitation and worry.”⁷

Nor does Walzer differ substantially from realism in the defense he gives on behalf of supreme emergency or necessity. “The survival and freedom of political communities—whose members share a way of life, developed by their ancestors, to be passed on to their children—are the highest values of international society.”⁸ This is said in reference to the threat posed by Nazism, but Walzer acknowledges that lesser challenges, if they threaten the survival and freedom of a political community, have similar moral consequences. At the same time, he says that he is not sure that he can “account” for the “different and larger prerogatives” of political communities since he does not believe “in ascribing to communal life a kind of transcendence.”⁹ But whether the political community is invested with intrinsic worth and transcendent value or is seen instead as being not the source but the indispensable condition of value (as liberal democracies have done), the practical result is the same. As the indispensable condition of value, certainly of those values identified with individual freedom, the state is endowed with “a kind of transcendence,” to use Walzer’s expression, that serves to justify the extreme measures which may be taken to preserve it.

Walzer, then, has a close affinity to realism with respect to both the value he places on the political community and his willingness to justify the sacrifice of innocents in the name of “supreme emergency.” Short of these extreme situations, however, he insists that the duty to avoid harm to the innocent in war is of overriding importance and cannot be abridged by utilitarian calculation. The realist need not differ in this, but he may do so, and, considering his regard for the consequences of action, will likely do so. For most realists, measures in violation of the war convention may be justified if they shorten the war and

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