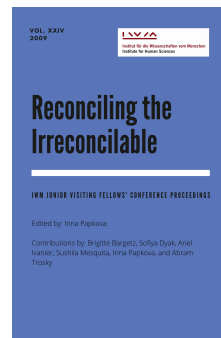


On the Possibility of International Theory: A Cosmopolitan Critique of Communitarian Conceptions

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This is an essay, in the formal sense of a foray, into the possibility of a transnational morality of states. Just as morality is defined by action in accordance with a principle beyond self-interest, “international theory” is conventionally understood as international *moral* theory—adherence to a principle higher than national interest. In this context, theory, to be worth anything, must not only confine itself the realm of the possible but, I will argue, also be practicable.

Defined thus, this inquiry could also be taken as a sort of wager on the prospects of world peace. If peace is envisioned as an active process requiring mutual, multilateral effort to maintain, it fulfills what was just demanded of any good international theory. This is not to ignore the institutional dimension of the question— the prospect of peace seems inextricably linked to the accountability of states—but this accountability is either to their citizens or to supranational organizations whose mandate is the defense of individual human rights. This recognition of individual agency and autonomy lies at the heart of cosmopolitan theory. It is therefore unsurprising that cosmopolitans view global justice through the lens of moral and legal duties to individuals, and international law a means to the end of positive peace.

The converse of the argument that international theory is an expansion of generally accepted moral principles is that international moral skepticism follows from general moral skepticism. However, international skepticism can have as its object self-interested human nature, the monopolies of violence intended to control it, the supranational organizations established to reign in those states, or any combination of these three.[2] It is conceivable, then, that self-interest be sublimated, harnessed, or overcome, yet human society remain comprised of well-intentioned individuals perpetually precluded from peaceful interaction by infelicitous political or psychological parameters, such as those defined by path-dependency or game theory. I will argue that such perceived obstacles, if they exist at all, are accidental, not essential to politics.[3] As permutations of *perceived* cultural, historical, or biological determinism, they are incompatible with any genuine account of human agency.

More pointedly, what most precludes peaceful interaction in human society is the society of nations. The fragmentation of morality into individual and state, wherein national security is taken to be the principal moral imperative due to its ability to secure the stability that is said to be the *sine qua non* of private morality and/or the good life, characterizes the schools of thought that I am grouping together under the name “communitarian”.^[4] I add to those who self-identify as such, the English School’s Rationalists, Institutionalists, and Liberal Realists; Christian Realists, and certain Straussians, all of whom^[5] privilege the national community over the community of mankind in considerations of justice. This is not to say that the two do not occasionally harmonize; with the possible exception of the last, these schools are known for their (qualified) support of international law and society within the limits of prudential realism. For the purposes of this paper, their standard defense of national sovereignty as expressive of natural ethico-political parameters is enough to unite them. I want to argue that their bounded moral skepticism dictates a foreign policy functionally indistinct from amoral classical political realism in its insistence on the pursuit of (perceived) national interest, a pursuit that compromises the moral status of the good life they claim to insulate.

As a corollary I argue that by implicitly conceding war’s inevitability and peace’s inessentiality, the common negative definition of peace as the absence of war entails international skepticism. Whether war’s inevitability is the conclusion or premise of international skepticism depends on a more or less sophisticated understanding of the demands of community vis-à-vis the strictures of international anarchy. A parallel cleavage divides realists—those who view war, as an extension of politics, as amoral—from those who I am calling communitarians, who do not view the necessity of war as precluding a moral, or just, war.

There are similar shades of difference among cosmopolitans. Though many tend towards pacifism, the core principles of cosmopolitanism oblige adherents to recognize circumstances in which these values are in need of defense. Thus, communitarians and cosmopolitans differ not in being for or against war but in what constitutes a just war—for whom and by whom it is waged. They each have a conception of moral duty, which provides some common ground; disagreement rightly concerns where the line of duty ought to be drawn. Predictably, *jus ad bellum* in intervention and prevention are particularly contested.

One of the foremost English School thinkers, Martin Wight nearly 50 years ago also asked “Why Is There No International Theory?” Although his question was rhetorical, and his approach polemical, it does provide an argument common to the named schools: that morality is conditioned by certain immutable features of the state system, conditioned by immutable features of the nation-state, which is itself constrained by humans’ natural political limitations and/or the problem of evil.

Cosmopolitan theorist Charles Beitz’ exploration of the alleged rupture between *Political Theory and International Relations* can be seen as a rebuttal to Wight’s question twenty years earlier. By exploding the more facile varieties of moral skepticism and exposing the assumptions of more sophisticated varieties, Beitz gives strong reason to believe in the

possibility of international theory. Importantly, he does not speculate as to its ethical content, as this would require assuming a metaethical position or a grounding in a universal morality. Though establishing such a foundation seems now, as it did for Beitz 30 years ago, “beyond reach”, his zetetic skepticism follows Socrates, Pyrrho, Kant, Popper, and Truzzi in arguing that, absent a proof of the *impossibility* of normative international theory, there remains a duty to sustain a dialogic moral inquiry. By initiating a conversation between a morally-serious prudential realism and a policy-minded cosmopolitan, debate in international ethics can move past the false binary of cold realism contra crusading idealism presented in introductory international relations textbooks.[6]

Like Walzer’s *Just and Unjust Wars*, Beitz’s publication of the same year satisfies for a corroboration of humans’ shared moral intuitions—“basic ideas about the nature and requirements of reality”, or what Walzer calls “practical morality”. The most basic of these is that morality, if it is to have any meaning at all, requires the willingness to sacrifice self-interest:

“The distinction between international skepticism and the Machiavellian view turns out to be like the distinction between general moral skepticism and ethical egoism. One pair of views denies the possibility of morality altogether, while the other pair advances a substantive moral principle. However, in both cases, the distinction is without a difference. What is distinctively *moral* about a system of rules is the possibility that the rules might require people to act in ways that do not promote their individual self-interest...To assert that ethics is possible is to say that there are occasions when we have reason to override the demands of self-interest by taking a moral point of view towards human affairs.”[7]

The extrapolation from the national to international moral point of view, from self-interest to national interest, depends on the validity of the so-called “domestic analogy”, which compares the international state of nature to the one that originally confronted individuals in society. It was Hobbes who originally argued for their congruence, with one crucial difference: whereas contractarianism legally manages collisions of interest, the permanence of international anarchy renders international law effete and international society impossible. Beitz calls Hobbes’ defense of rational self-interest in the domestic and international states of nature, “the strongest argument available for skepticism about international normative principles.”[8] Although Wight was more accepting of international law, his international skepticism springs from the Hobbesian distinction between the two states of nature. I shall dwell on Wight’s defense and the response of a contemporary English School theorist, Robert Jackson before examining Beitz’s critique of Hobbes’ domestic analogy and its ramifications for international theory.

***Ought* there be International Theory?**

Wight’s title was not a comment on the neglect of international theory but an explanation of the insufficiency of previous and presumably all future attempts at establishing it. As intimated, his position distinguishes itself from classical realism’s; it is not that morality

and politics ought not mix but that morality's place in political theory is circumscribed by state boundaries.

To support his claim, Wight draws a dubious distinction between “naturally” conservative international theory and progressive (domestic) political theory—in other words, between the demands of survival and the pursuit of the good life. Unlike more radical moral skeptics whose realism follows from cynicism regarding human nature and motivation, Wight's does not collapse into mere ethical egoism. Although his list mixes economic, political, and cultural rubrics, he acknowledges something like moral progress in liberal society, marked by “growing social cohesion, growing interdependence among people, growth of State power, increasing flexibility in its operation, increasing wealth and better distribution, diffusion of culture among the masses, the softening of manners, perhaps the lessening of violence.”[9] However, he does not go as far as to say that progress towards substantive liberal goals—equality, community, peace—serve as potential ground for international cooperation, nor do they open up the possibility of normative international theory beyond the minimal cooperation already entailed in international law.

Even that arch-pessimist Freud, despite his Hobbesian account of right as the parasitical obverse of might, in his response to Einstein's open letter, published under the title *Why War?*, agreed with him that progress could “put an end to war in the near future.”[10] In Freud's account, it was conceivable that *eros* was evolving into a nascent identification with all humanity, civilization sublimating the aggressive instinct into something like a conscience. Freud saw these psychosocial changes converging in political evolution, manifesting as a healthy democratic dread of war's wanton destructiveness, bearing a striking resemblance to Kant's prediction in “Idea for a Universal History from a Cosmopolitan Point of View” of the triumph of the rational state and emergence of universal civic society.[11]

For Wight, liberal and cosmopolitan optimism transgress “the basic distinction between international and domestic politics”—presumably a distinction of is versus ought—“that international politics are less susceptible of a progressivist interpretation.” He plays what he calls Kant's “argument from despair”, that a worse future world is unthinkable, against Montesquieu's sage cynicism in light of the cyclicity of history to illustrate that “In progressivist international theories, the conviction usually precedes the evidence.”[12]

I read Kant's cosmopolitanism less as a rebellion against the meaninglessness of history, as a preemption of the paralyzing fatalism implied by Montesquieu's self-fulfilling prophecy that because human history tells of perpetual war, war is bound to continue. This inference is scientifically faulty but nonetheless has psychologically significant effects.[13] Where Montesquieu's archetypically “realist” observation negates the individual's role in shaping history, Kant affirms it.[14] Not only does it align with human intuitions about freedom, it harmonizes with the logical structure of human agency. Notwithstanding other criticisms of Kantian moral theory, the simple assumption of responsibility for what one does individually and what is done in one's name as a citizen are the necessary bases of moral action and international law, respectively.[15]

Following Montesquieu, Wight extrapolates international theory's inherent conservatism from the historical exigencies of international relations, drawing an unwarranted normative conclusion about the nature of politics and therefore, about future political possibility. Wight's dichotomy suggests that the lack of international theory is due to its impossibility but it does so by repeating the invalid induction of the inevitability of war from its historical frequency or intensity, committing the very error of which he accuses progressive international theory: letting the conviction precede the evidence. The "fact" is a hermeneutical one; it could be otherwise and arguably would be if the role of collective belief in an age of increasing democracy were factored into the forecasting of political possibility. In wagering that the future will resemble the past, Wight the historian ignores that the "experiment" of international relations is more like Heisenberg tracking electrons than Hume striking a match.[16] Commentators from Wight's own English School such as Robert Jackson, have argued that the separation of survival from the good life is overdrawn, "an immediate but not an ultimate distinction" that is untenable even in his own work. Like Beitz, Jackson highlights the artificiality of the separation between international and political theory as reflecting the artificiality of the separation of the state and state system, the disanalogy between states and persons, and the differences between their respective states of nature. For Jackson, the fact that international anarchy provides liberty—the condition of the good life—constitutes "the underlying morality of realism." but, he goes on, "there must be some national interest beyond power in order to justify this liberty—to make its values worthy of protection." [17] Conversely, Beitz might add, there must be a level of welfare and more importantly, equality, at which a nation is satisfied *only* to protect, not to expand, and perhaps even to share. Similarly, prudence dictates a certain modesty in defining "vital interest" that has been absent from international practice. This too is an expression of values.

Notwithstanding pluralism's respect for difference, international law dictates that members of international society must share a similarly modest prudentialism. Contra Malthusian mythologizing, if each nation was to share these values and establish an acceptable level of economic rights, it is conceivable that that equilibrium called peace could obtain. However, it is not clear that the rubrics of prudence and equality are inherently democratic; a majority of the population might be more convinced by capitalist values of constant growth and expansion and willing to accept the inequalities that arise from it both domestically and internationally.

In Wight's work, both classical *raison d'état* and modern utilitarianism, foreign policy and domestic policy, are governed by a moderate state egoism that promotes the liberal values of tolerance and equality. It is the homogenizing force of what Kenneth Waltz called "revolutionism", with its naïve trust in progress that Wight reckoned to be at odds with the baseline of international morality outlined above. By questioning the realist precondition of all morality, the nation, revolutionism was deemed to be neither "international" nor ethical, and therefore the province of political theory by default. The remarkably durable myth of Malthusian scarcity continues to fuel foreboding regarding the potential insufficiency of resources and the prospect of domestic revolution in the absence of "commodious living" along with it. Even with similar conceptions of the good life, this myth sustains the illusion that international relations are inevitably competitive

and zero sum. This situation is what Jackson called “*the conundrum of international theory*”[18], seeing the proliferation of contested areas such as nuclear war, nonintervention, self-determination, human rights, global economic distribution, and the environment as just some of the “ideological and technological changes that are challenging classical assumptions about the state as a perfect association.”[19]

Domesticating the Domestic Analogy

The classical assumption of the state as a perfect association is predicated on the portrayal of international relations as a state of nature. Despite its Westphalian pedigree, this view is hardly antique. Explicit in classical and neo realism, it is implicit for communitarians who espouse some moderate or prudential realism. Beitz sets about deconstructing this structural precondition by separating its predictive aspects (the inevitability of conflict) from its prescriptive aspects (rational self-interest as the guiding principle of diplomacy).

In the first case, Beitz rejects the Hobbesian analogy of an international state of nature because of the failure actors involved to fulfill Hobbes’ own conditions: 1) homogeneity 2) relative substantive equality 3) self-sufficiency and 4) no reliable expectation of voluntary reciprocal compliance. Taken together, the existence of increasingly powerful non-state actors and the unequal distribution of resources and military power on the one hand, and the fact of economic interdependence coupled with the existence of an international community capable of imposing sanctions on the other, obviate all four of these conditions. Further, it indicates that international society already forms a cooperative to which the demands of justice apply. In other words, Hobbes’ prescription of national egoism in the face of uncertainty contradicts the contemporary practice of nations observing something more like rule utilitarianism to facilitate cooperation.[20] Echoing Jackson, Beitz warns, “this new complexity, which has both analytical and normative importance, is likely to be obscured if one accepts the model of international relations as a state of nature in which the only major problem is war.”[21]

The domestic analogy hinges on a second condition: the existence and extent of a national right to self-preservation. As Rawls demonstrated in his *Law of Peoples*, the existence of such a right is less contested the closer it lies to a nation—meaning for him a distinct people, not necessarily a state—specifically, their collective *individual* right to self-preservation, versus the perceived integrity of a nation-state with its boundaries, institutions, and often vaguely-defined far-flung “interests”. *The core communitarian position is this: that insofar as individual identity is parasitic on group membership, the recognition and preservation of that group and its culture is functionally identical to individual preservation and therefore accrues the same rights in its defense .* Importantly, this conception adds to realism’s supposed amorality (or at least the moral immunity of the groups’ guarantor of its members’ self-preservation) the moral force of recognition of selfhood.

By contrast, Beitz argues that the defense of international moral skepticism rests on a category error: prescriptive realism’s usurpation of the normative authority of the individual right to self-preservation that applies in the original state of nature but not the

international.[22] Due to the prevalence of contractarian dogma in both the realist and liberal worldview, collective self-interest/self-preservation easily elided into the national interest, despite the latter's purpose in liberalism as primarily a heuristic to describe how democratic states might be considered unitary actors.

Despite the less-than-savory technocratic features of the administrative state alluded to earlier, it is potentially rational in an importantly different sense than simple efficiency: legislation ideally represents the outcome of deliberation. It is for this reason that Jürgen Habermas, among others, has been consistently vocal on the need for the syntactical reversal of state-society relations to society-state relations for the development of a well-functioning public sphere. Walzer, Beitz, and Rawls also flag the distinction between substantive and procedural democracy, which ends in a startlingly republican insight: the state's duty of aggregating and expressing the preferences of the majority and protecting minorities cannot justify liberal democratic states undertaking unjust or illiberal measures in their foreign or domestic policies, even if they have majority support.

Though Walzer notes that citizens have no right to have just anything done in their name, he does not go as far as to state positively that states lack the right to define the greater good as each state acting in its own national interest. As Beitz writes, “[N]othing is gained and considerable clarity is lost, by attempting to justify principles of international conduct with reference to their effects on the interests of states. It is the rights and interests of persons that are of fundamental importance from the moral point of view, and it is to these considerations that the justification of principles for international relations should appeal.”[23]

To be consistent “persons” cannot be limited to one's fellow citizens, meaning that *there are “interests” in the form of (human) rights that the national interest must take into account if it is to align with the moral point of view.* The problem comes not so much in the definition of to *whom* this consideration is owed as much as *how* to adequately take so many, often competing, interests into account in the choices of citizens, consumers, and states. The substantive liberal principle of egalitarian individualism is a foregone conclusion in any internationalist scheme, including that of the English school. The puzzle lies in lending to international society something approximating the accountability and legitimacy characteristic of its members.

Communitarianism and Liberalism's unlikely confluence in Ethics

Rejecting the Hobbesian international state of nature on these grounds dispenses with international moral skepticism but it might be the case, Beitz hedges, that self or group preservation provides the most compelling substantial norm for state morality, as realists and communitarians argue. However, he contests self-interest as a moral principle on two grounds: First, individual self-interest proves insufficient for political obligation insofar as it disincentivizes cooperation, as the free-rider problem illustrates. To say one has reason in some circumstances to lay aside self-interest and adopt a moral point of view to facilitate cooperation is to controvert general moral skepticism. This is accomplished in rule utilitarianism, which is consonant with the former foreign policy outlooks. The

second, more fundamental objection to the primacy of interests in the contractarian *and* utilitarian ethical traditions comes from moral philosophy. As K. Anthony Appiah succinctly puts it, “our intuitions about morality indicate that actions need not be in the interest of all parties involved to be moral.”[24]

This raises an interesting counter-example: can an action be in the acting agent’s interest and still be moral? Where contractarianism leaves no room for the widely acknowledged moral category of sacrifice, utilitarianism’s concern for the greater good seems to demand it. Answering this question can help evaluate whether communitarianism’s circumscription of moral duty squares with our intuitions more than the duties that would be entailed in international theory. We look at an extreme case of the latter first.

The humanistic utilitarianism, propounded by Peter Singer, for example, requires each to think of the global implications of every action. In an era of increasing environmental awareness, when actions that are indirectly interpersonal, such as consumer choices or waste management, are imbued with moral import, this ethic seems hard to argue with. However, humanistic utilitarianism’s demand of “all sacrifice, all the time” vitiates the moral value of sacrifice by making it a requirement versus an authentic choice. Obliging action in accordance with the greater good would eliminate the moral category of the supererogatory, or going beyond what is obligatory, which real sacrifice seems to demand.

Humanistic utilitarianism also ignores the role prestige or honor plays in the alchemy moral motivation.[25] The logic of risk and rational calculation in both contractarianism and utilitarianism differs from the impetus of *natural* moral obligations that valorize duties as much or more than rights.[26] While the first sort of reasoning was evolutionarily indispensable for individual survival, it is unclear that any *community* premised solely on this logic can survive, let alone thrive, as many a critic of the pathologies of modern individualism has surmised.[27] However, humanistic utilitarianism’s support for the ethic of selflessness at times resembles traditional religious injunctions that can be viewed as profoundly unnatural (i.e. artificial), even harmful in the form of self-abnegation.[28]

Although Beitz calls his debunking of Hobbes a reconstruction of the natural law tradition, an eastern analog exists in the Confucian ethics propounded by Mencius that is free from Christian ambivalence toward humanism. An example from his deontological system will serve as an entrée into deconstructing the paradoxes of the humanistic utilitarianism: Mencius famously asserted that any (hu)man would instinctively save a child from falling down a well without any calculation of benefit. Contra Nietzschean and Randian critiques of Kantian ethics, neither Mencian nor natural law ethics demand self-abnegation; there is presumably only a minimal “cost” here (the risk of falling in oneself). Neither this nor potential benefit or reward enter the conscious consideration of the “accidental altruist”, according to Mencius.[29]

Observing the persistence of cruelty and inequality in the modern world, the moral imperative of Singer’s radical utilitarianism is animated by a dimmer view of human nature. He uses the example of a child drowning in a shallow pond to illustrate what he holds to be a universalizable ethical principle: if one can prevent something bad from

happening at the cost of something less bad, (in this case, ruining one's clothes), one ought to do it. While the value of saving a child's life seems uncontested, K. Anthony Appiah has argued that an attempt to apply the principle universally reveals flawed assumptions. As nice as it sounds, it would be literally insensate—lacking in sense and reason—to try to include the well-being of all humanity in one's every action, just as it would be either inhuman or superhuman to *always* act according to rational self-interest.

Despite the laudable intention, if universalized, the principle would do grave injustice to the individual by stripping them of authentic moral choice, and therefore, of the possibility of moral action. *This* is true self-abdication. For Appiah, morality's resistance to formula illustrates that "our moral intuitions are often more secure than the principles to which we appeal to in explaining them",^[30] or in Beitz's problematical formulation, "there is a gap between the structure of moral choice and the content of the rules, policies, and so on that should govern various realms of action."^[31]

Though Singer's indignation at the apathy of the developed world may be righteous, genuine compassion is impossible to legislate. Coerced sympathy is, at best, an equivocation, likely worse insofar as it disregards the still-valuable liberal division of public and private. However, this *hiatus irrationalis*, does not prevent Beitz from interrogating the default liberal alternative to Hobbes—the so-called "morality of states" propounded by Locke and Pufendorf. Under the dogma of state autonomy and in the absence of any principle of international (distributive) justice, increasing global inequalities have been baptized by the equal starting point of the social contract and the market's supposedly level-playing field. Beitz analogizes: "[I]n the morality of states, each state is assumed to have a right to the wealth of its territory, and there are no moral rules regarding the structure and conduct of economic relations between states. Taking these two points together, the morality of states might be understood as the international analogue of twentieth-century liberalism. It joins a belief in the liberty of individual agents with an indifference to the distributive outcomes of their economic interaction."

Procedural democracy theoretically militates against domestic inequality by giving the poorer majority a voice. This can be deemed progressive only insofar as the gap between the most and least powerful becomes progressively smaller. However, as Habermas points out, "progress" ought also be measured by the augmentation of different spheres of freedom.

Beitz demonstrates that, contra Wight, conservatism inheres to both the rationalist/contractarian/liberal and realist perspectives. In juggling the demands of freedom and equality, liberal capitalism tends to tilt toward the callous libertarian insularity that characterizes a hypertrophy of freedom at the expense of equality. At its worst, this manifests itself in Social Darwinism, evident domestically in Gilded Age excesses and internationally in the 19th century foreign policy criticized so cogently by men such as historian E.H. Carr and economist Karl Polanyi.^[32] Although overt protectionism, racism, and nationalism have gone out of fashion, equally populist celebrations of individualism, independence, incentivization, and ingenuity continue to champion freedom and free-market principles while masking or excusing domestic and international inequality.

As Appiah's critique of radical utilitarianism underscores, the fact that freedom is a precondition of authentic moral action in no way undermines the cosmopolitan duty of kindness towards strangers, especially those lacking the basic human needs. He is careful to add that efforts to improve the quality of the life that one is saving, through opportunities afforded by infrastructural development, are equally vital. This is far from an endorsement of the Washington consensus; though Appiah ventures that most cosmopolitans, including himself, agree that the nation-state is still the primary mechanism for ensuring these entitlements, his focus is on improving governance, democratic institutions and policy, not (just) opening markets or lowering trade barriers.

The customary communitarian commitments that come with national citizenship do not (fully) eclipse the collective obligation of citizens everywhere to ensure that all states respect the same commitment "through our nations, if they will do it", as he says, "and in spite of them if they won't." [33] If states refuse or misrepresent [34] their cooperation, the radical utilitarian illusion might persist that morality demands we as individuals pick up the slack by adopting the gospel simplistic prescription of selling possessions and donating the proceeds to OXFAM or UNICEF—an outcome that both libertarian individualists and communitarians find unacceptable. Citizens' best opportunity to help fulfill "basic obligations" is by reclaiming the authority behind the concept of "citizen". However, the syntax of social change through individual change presents its own difficulty: How to achieve this threshold amount of compassion, given the collective action problems familiar to any political scientist?

Of course, the obstacle is not simply a political system predicated on interest but its seeming inextricability from an economic system that is definitionally self-interested. Thus, the question must be examined in conjunction with the theoretical justifications and historical development of capitalism. Contra Wight, the problem might not be the *asymmetry* between political and international theory but the *continuity* of conservatism from the former to the latter—from capitalism to global capitalism. The empirical differences between the domestic and international environments Beitz uncovers in contrasting the two states of nature translate the political virtues of communitarian care or liberal tolerance to the international sphere less easily than the translation of self to national interest in micro to macro economics.

Given this asymmetry, is it possible to reconcile the moral point of view with the entrenchment of particular cultural-historical identities and economic institutions, at least mitigating the influence they wield in shaping perspectives on world politics? The expansion of liberal values onto the canvas of transnational institutionalism has been less than convincing because of the naturalistic fallacy—that its origin in and continued abuse by the West negates its value as a truly universal axiom.

The Possibility of Value: Autonomy, Liberty, and Justice

Jackson's unmasking of the nation-state's Janus face dispensed with Wight's spurious compartmentalization of internal and external state morality but did not undermine the principle of state autonomy as the basis of that (one) morality and means to the good life.

Anticipating Rawls, Beitz, in the second part of *Political Theory and International Relations* derives the right of state autonomy from more basic principles of justice. Wight was right to say that in its practice as international law, international theory has addressed itself to states as if their autonomy is basic and that their liberty is an analog for individual liberty. However, as has been demonstrated, the moral force of state autonomy exists as an *extension* of individual autonomy and only insofar as it guarantees it equally for all citizens *and* does nothing to abridge it elsewhere. This *should* make international law an extension of social justice; in practice, beneficiaries of and believers in two discrete worlds have jointly been successful defending the status quo despite its disadvantageousness to the latter. This calls into question whether the bait-and-hook of freedom for equality (or spurious socioeconomic mobility) is rational or self-interested at all.

Scrutinizing the relationship between justice and state autonomy is especially relevant in the context of the persistent quandaries of intervention and self-determination and their relationship to international law, in which they can be pitted against each other. While realism does not deal in any (moral) imperatives beyond securing the survival of the state, English School thinkers treat state autonomy as inviolable and thereby uphold international law's general privileging of sovereignty.[35] This is for practical as much as theoretical purposes: insofar as international law is viewed as positivistic—relying on a tacit respect for tradition or the “opinion of mankind”—this original consensus is arbitrary and, arguably, fungible.[36] This means that *its continuing applicability tacitly relies on the relevance of that consensus, or rather the international system's ability to interpret and amend it in order to reflect an evolving global consensus that is progressive in character*. Epistemologically speaking, such an intersubjective account fits Rawlsian constructivism far more closely than Kantian rationalism, despite “rationalists” such as Wight falling into the former camp. Hence, the equivocalness of the word “rational” in the discourse continues to muddy the relationship between international theory and international law.[37]

Beitz recognizes the centrality of individual liberty in contemporary justifications of intervention but adds a contractarian caveat the utilitarian tenor of which seems to compromise its first clause: “[A] person's choice and pursuit of ends has intrinsic value which cannot be overridden simply by considerations of the social good; instead, we are to respect persons as autonomous agents who are not to be made subject to the will of another unless an appropriate justification, itself related to the preservation of a maximal system of equal liberties, can be supplied.”[38]

Of course, this begs the question of what constitutes an “appropriate justification”, which Beitz only broaches pages later in a footnote (indicating that varying levels of development might call for different application of just principles). The passage occurs in the context of disambiguating the relationship between consent, legitimacy and autonomy. The analogy of personal and state autonomy is imperfect since the latter is based on tacit consent—the existence of a hypothetical contract. Even in democracies, it is

untrue that every citizen condones her government's monopoly on force. If this were true, state autonomy would be unassailable, as Hobbes envisioned; an unjust sovereign would be insulated from both revolution and intervention.

Thus, legitimacy does not just reflect the existence of an original *or de facto* consensus, but the protection of freedom of association (to ensure consensus is not coerced) in the spirit of egalitarian individualism. *This substantive criterion, not the institution of procedural democracy, is the de jure measure of a state's moral legitimacy.* It follows that state autonomy might have to be compromised in order to do justice to the absolute of individual autonomy, including those who live in illiberal states. The problem of collective security remains negotiating which actors identify and act on these cases. Cosmopolitans and liberal internationalists suggest (a majority of) the international community, rather than a self-appointed, and too often self-interested, delegate.

Contractarianism naturally militates against universal definitions of justice since its principles “rest on the relations in which people stand in a national community united by common acceptance of a conception of justice.”[39] Thus, global distributive justice poses a particular challenge to contractarianism. Using the same global realities of interdependence and cooperation that he used to undermine the Hobbes' domestic analogy, Beitz reinterprets Rawls' contractarian principles of social justice as globally applicable: first, “that each person is to have an equal right to the most extensive total system of equal basis compatible with a similar system of liberty for all”, and second, that “social and economic inequalities are to be arranged...to the benefit of the least advantaged [and] under conditions of fair equality of opportunity.”[40] Despite producing absolute gains for most, economic interdependence in global capitalism widens the income gap, but in so doing, creates a new basis for international morality. (While there are many recent corroborations of growing global inequality, both the problem and solution were 18 th century insights, belonging to Hamilton and Kant respectively).

Two important asymmetries exist between domestic and international society that prevent a seamless application of principles of justice from the former to the latter. The first is the lack of a legislative or executive organ of international society. The second is the problem of moral motivation; “international community” might be a nice turn of phrase but diversity and distance prove powerful impediments to the enlargement of the human capacity for empathy. Both of these impediments have been mistaken in the past for permanent features of the political landscape by commentators like Wight; Beitz value is in distinguishing between social facts that are mutable and those that are not. The fact that “international community” is no longer a figure of speech but has a referent in the United Nations was unthinkable at the beginning of last century. It may be that a world parliament and/or police force prove unnecessary in light of augmented international cooperation.

The second, psychological/anthropological “fact” is more entrenched—the ostensible lack of a widespread, intuitive sense of global justice lends weight to the ideological justification of communitarianism. On the other hand, the superability of parochial allegiances through fealty to principles of justice *per se*, rather than or in addition to the particular laws of any one community, including positive international law, continues to

define a cosmopolitan alternative. Since conflict situations result in collisions of these two tiers of law, growth in the legitimacy and authority of transnational judiciary institutions set up to arbitrate such cases, principally the ICC, are crucial to the viability of any normative international theory.

Notes:

[1] This is an excerpt from a paper prepared while a junior visiting fellow at the Institute for Human Sciences in Vienna, Austria. My thanks to the permanent and visiting fellows' comments after its presentation at the IHS' Junior Fellows weekly seminar, 5/14/08.

[2] See Kenneth Waltz's *Theory of International Politics*

[3] Adequately addressing biological, psychological, and psycho-social determinism requires a separate, longer argument, which I attempt elsewhere. There is some crossover between these and the political argument in the need for recognition. See Charles Taylor's *Politics of Recognition* and Francis Fukuyama's *End of History and the Last Man*.

[4] I do so with apologies to ideological communitarians who define themselves in opposition to a national government, focusing instead on civil society or NGO's.

I also ask the indulgence of philosophical communitarians who might resent being boxed alongside liberals (e.g. rationalists), the individualism of whom is their principal subject of critique. Amitai Etzioni's influential brand of communitarianism dovetails nicely with the cosmopolitan claim that the transnational nature of contemporary problems demand global political institutions attuned to an emerging global civil society. See his *From Empire to Community*.

[5] With the exception of the English School's solidarists, the minority compared to the pluralists, to use Hedley Bull's distinction.

[6] See for example, Charles W. Kegley, *World Politics*, 11 th ed, Thompson Wadsworth, Boston, 2007-2008. In 608 pages, cosmopolitanism is mentioned once, its philosophy throughout conflated with liberalism, and any alternative between it and realism is conveyed as constructivism.

[7] Charles Beitz, *Political Theory and International Relations*, Princeton 1979, p. 22, emphasis in the original; p. 58. For another argument against this ethical conflation, see chapter four of Pangle & Ahrens Dorf's *Justice Among Nations*, University Press of Kansas, 2002, pp.13-33.

[8] Ibid, p. 27

[9] Martin Wight, "Why is there no International Theory?", *International Relations*, 1960, vol 2, #35, p. 42

[10] Sigmund Freud, "Why War?", *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XXII (1932-1936): New Introductory Lectures on Psycho-Analysis and Other Works*

[11] There are, of course, questions of definition: What is the content of this good life? How are means judged relative to this end? If international society lacks democratic institutions, how many democratic members are necessary to claim a consensus around democratic norms?

[12] Wight, p. 42.

[13] Cf Albert Bandura's pioneering work on the role of self-efficacy beliefs in moral engagement and disengagement.

[14] For the passage in question, see *De l'Esprit des Lois*, bk. xiii, ch. 17.

[15] On the second point, see Hannah Arendt on "Collective Responsibility", and Michael Walzer's introduction to *Just and Unjust Wars*.

[16] Writing in 1960, Wight mentions the nascent EU to highlight that the development of regional cooperatives does not eliminate the antagonisms of the state system. To further bolster international anarchy, he points out that world government has been entertained but derided as either inefficient (Vitoria, Grotius, Pufendorff) or too efficient (Kant, Gibbon), mirroring the arguments against federalism during the American founding. Jurgen Habermas' *Postnational Constellation* is one of several recent efforts to theorize a world federalism that navigates between these two poles.

[17] Robert Jackson, "Martin Wight, International Theory and the Good Life *Millennium – Journal of International Studies* 1990; 19; p. 269. There is a Kantian analogy in that individual autonomy is only the prerequisite, not the substance of morality; the power or capacity of free action is only a means to the end of moral action.

[18] Ibid, p. 264

[19] Ibid, p. 270

[20] By rule utilitarianism, I mean the acceptance of international cooperation (which can give the appearance of altruism or the adherence to principle over interest) with long-term national interest in mind. Beitz' example of powerful states willingness to incur costs in order to secure the well-functioning of the system is morally ambiguous since the strong states' criterion for functioning well is likely nothing more than ensuring the conditions of their continued dominance. Beitz' criticizes this inherent conservatism of contractarian liberalism in the second section of *Political Theory and International Relations* .

[21] Beitz, p. 49

[22] This fact seems to complicate Hillel Steiner's appropriation of Locke for cosmopolitan purposes in his "Territorial justice and global redistribution", found in Brock & Brighouse, eds, *The Political Philosophy of Cosmopolitanism*, Cambridge University Press, 2005

[23] Beitz, p. 55

[24] Kwame Anthony Appiah, *Cosmopolitanism*, W.W. Norton, 2006

[25] The replacement of rational justification by admiration as the criterion of moral judgment in MacIntyre's virtue ethics does not do away with the problem of relativism, which mars its candidacy for international theory. For the use of desire and honor in political ethics there is no greater discussion than Plato's *Republic*, which illustrates the detriments of attempting to legislate good behavior and perfect justice in Singer's manner.

[26] Though one can speak of duties to humankind, duty differs slightly from sacrifice in that it can be compelled by one's membership to a particular group, while sacrifice earns its moral esteem by being entirely voluntary, often having as its object a stranger from whom one will unlikely reap benefit.

[27] I think principally of Durkheim and Weber in this context.

[28] cf Nietzsche's *Genealogy of Morals*. I critique Kant's secular alternative, resuscitated in Rawls and Scanlon's moral contractualism, in the next section.

[29] Rousseau's account of authentic moral motivation's corruption by socialization—as in Hegel's master and slave dialectic—shares many similarities with Mencius'. I borrow the phrase "accidental altruist" from a paper by Jack Wilson of that name though I disagree with its argument that attempts to explain, or explain away, the phenomenon of animal altruism, and by implication, human intentionality.

[30] Appiah, p.161

[31] Beitz, p. 59

[32] In *The Twenty-Year Crisis* and *The Great Transformation*, respectively.

[33] Appiah, p. 165

[34] For example, the U.S. government represents itself as the largest (net) aid-provider when proportionally, its .22% of GDP is well below the international norm of 1%. On the opposite side of the ledger, American citizens continue to lead the developed world in charitable giving, at \$300 billion in 2006, keeping pace with inflation and representing 1.7% of GDP (Giving USA Foundation at Indiana University's Center on Philanthropy; Charities Aid Foundation, 2006 Report).

[35] Cf footnote 20 on rule utilitarianism

[36] Cf J.L. Brierly, *The Law of Nations*, Ch. 3-4

[37] See the section entitled "Rationalism versus Constructivism" in Anne Marie Slaughter's "International law and international relations theory: a prospectus", in *The Impact of International Law on International Cooperation, Theoretical Perspectives*, which does not escape the consequences of this confusion in terms (Benvenuti & Hirsch, eds., Cambridge, 2000).

[38] Beitz, p. 76

[39] Ibid p. 127

[40] Ibid p. 130

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