Introduction

In this book I argue that although normative questions regularly arise in the day-to-day practice of international politics the discipline of international relations has not accorded ethical theory a central place within it. I examine the reasons which are given for this neglect of normative theory and find that they are not convincing. Having made the case that normative theory ought to be central to the discipline, I turn to the business of constructing a substantive ethical theory which will enable us to answer the difficult questions we encounter in the practice of international relations. I do this by first examining the theories which are dominant in the field. These turn out to be seriously flawed.

Second, I turn to the more positive task of presenting a theory which I hold is better able to answer the pressing ethical questions we encounter in international relations. This theory I call constitutive theory. In the final chapters I show how constitutive theory may be applied to normative questions which arise with regard to the use of unconventional violence in international affairs and to questions about the self-determination of nations.

Normative questions in the practice of international relations

We, as individuals or in association with others, are all regularly called upon to seek answers to the following questions: Where different nations claim the right to self-determination in the same territory, whose claim should we support? What should we do about famine in other states? What should we do about other states, groups or indi-
individuals who seriously damage the global environment? How should we treat people (possibly tens of thousands) who arrive in our country as political and economic refugees? Where a government engages in genocide against a minority in its territory what ought we to do about it? What may we legitimately do against a state which infringes another state’s rights? May we use force of arms to stop human rights abuses in other states? Daily our newspapers furnish examples of states within which these problems arise.

The kind of problem which faces actors in the realm of international relations is well illustrated in the conflicts which have arisen in what was Yugoslavia.1 In Bosnia rival nationalist groupings are warring about the final form and shape of the state of Bosnia-Herzegovina, indeed the survival of that state itself is in question. Each movement claims that its right of self-determination entitles it to draw the map according to its preferred plan. Each directs a request to the international community, based on the supposed strength of its moral case, requesting economic, political and military support. We in the international community (both politicians and citizens) are called upon to evaluate these requests.

These problems are all normative in that they require of us that we make judgements about what ought to be done. Normative questions are not answered by pointing to the way things are in the world. The normative nature of these problems is not dissolved by suggesting that the actors involved (including us) always do (and will) act according to our (or their) respective self-interests. For what is to count as self-interest is partially determined by normative considerations. For example, what the Bosnian Muslims put forward as their self-interest is underpinned by a normative claim about their right to self-determination. Their notion of self-interest is also supported by human rights claims – these rights, they argue, are being grossly infringed by the other parties to the dispute. Other nationalist movements throughout the region (and elsewhere in the world) make similar normative claims. The nub of the matter is that any concept we may have of our own self-interest is partially determined by normative ideas about what we are entitled to.

These normative questions pertaining to international relations press in on us every day. That they are urgent questions for prime ministers, presidents, foreign ministers, and generals is clear. But they are also important for ordinary citizens. For the most part citizens may not think deeply about these matters because they feel relatively
powerless to do anything about them. Yet there are occasions when they, too, have to make up their minds on such matters. Political leaders, from presidents to warlords, have to elicit the support of their followers if they are to achieve their aims. People (as citizens and/or soldiers) have to decide whether to support or oppose their leaders.

**Normative theory**

In order to give rational answers to these questions we need to engage in normative theory. It may seem as if normative theory should be directed in the first place to the question: What should I, as citizen (or we the government, or we the nation, or we the community of states) do? But finding an answer for this kind of question usually depends on finding an answer to a prior question which is quite different. This prior and more important question is about the ethical standing of the institutions within which we find ourselves (and the ethical standing of the institutions within which others find themselves). Thus, for example, before we are able to answer the question “What ought South Africa’s foreign policy be with regard to its neighbouring states?” we need some answer to the question “What is the ethical importance of states as opposed to other institutions such as families, churches, corporations, trades unions and the like?” For if we find, for example, that from a moral point of view states are more important than families, corporations, or churches, we might judge that under certain circumstances it might be appropriate to risk our lives to protect states, but be quite inappropriate to do so for families, corporations or churches. Whereas, if we judged churches to be primary from an ethical point of view, risking our lives to protect these would make more sense than doing this for the protection of states. Let us explore the importance of investigating the moral standing of social institutions in more detail.

We all live our lives in the context of social institutions, such as families, markets, companies, churches, trades unions, political parties, social movements, states, and international organizations. The major events of international relations such as wars, revolutions, wars of national liberation, terrorist campaigns, interventions, secessions, irredentist activities, and the like, usually turn on disputes about the structure and powers of these institutions and their relations to other institutions. (For example, those who lived in colonies fought wars of
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national liberation with the metropolitan states. The colonial peoples rejected the subordination of their government to the imperial one.) Precisely which institutions are the primary focus of such disputes varies from one historic period to another. During the medieval period, for example, churches were centre stage. In the modern period the focus shifted to disputes about the form, functions, territorial scope, internal organization, and so on of the state and also to the relationship between states and sub-state institutions such as trades unions, political parties, and the host of other pressure groups which are to be found in civil society.

With regard to the institutions within which we live (and the institutions within which others live) the fundamental normative question is not in the first place, “What ought we to do?” but rather is “What is the ethical standing of these institutions?” In order to answer this we need some measures with which to evaluate different institutions such as the family, civil society, states, and international organizations. Within these institutions, which values ought to be primary – should freedom be held more valuable than equality? Is justice more important than both of these? Where do human rights fit in? And where should democracy be placed in the pattern of values?

Theories which give a satisfactory account of the raison d’etre of states and other institutions, of the proper structure of these institutions, and of the relationships which ought to hold between them, will, of course, indicate what institutions like the state might legitimately do vis-à-vis other states and vis-à-vis other social institutions such as those found in civil society.

Normative theory in the discipline of international relations

A decade ago in Towards a Normative Theory of International Relations (1986) I wrote “One very striking feature of the modern discipline of International Relations is that in spite of the fact that most scholars within the discipline claim to be motivated by an urgent moral concern for the well-being of the world polity, there has been very little explicit normative theorizing about what ought to be done in world politics.” There had been some normative theorizing, but it was an activity confined to the fringes of the discipline. The mainstream of international relations focussed on description and explanation which,
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it was understood, could be undertaken in a way that was independent of normative theory.

Since then, there have been dramatic developments in both theory and practice which I had hoped would open the way for normative theory to take its place as a central feature of the discipline. Some progress has been made. There has been, of late, something of a flowering of normative theory in international relations. Several major books on the topic have appeared, a number of journals regularly carry articles on topics which fall broadly within this field, and some universities offer modules covering normative topics. But, by and large, things are as they ever were. Normative theory is to be found on the fringes of the discipline. Scholars in the discipline do not consider that normative theory is fundamentally necessary to the study of world politics. It is to be found instead next to the other marginal sub-groupings within the discipline, namely post-modernism, feminism, and ecological approaches.

I had hoped that the disappearance of a set of pre-existing factors which were clearly inimical to the development of a normative approach to international relations would open the way for normative theory. For example, the Cold War could clearly be seen as blocking the emergence of ethical theories within the discipline.

Cold War politics was such that there seemed little point in studying international ethics. The public rhetoric of those times portrayed the other side as fundamentally immoral (or even amoral). In a “life or death” struggle there did not appear to be much point in spending time and effort discussing the shape of a just world order – for the battle was portrayed as being about survival. And survival was understood to take precedence over justice. For talk about justice, it is commonly supposed, only arises within minimally cooperative social systems. Given that the relationship between the super powers was not a cooperative one, it was not surprising that normative theory was seen as largely irrelevant.

The little normative theorizing that did take place in international relations was not about possible worlds, but about the justice of the means to be used against such an enemy. In particular, a body of normative theory developed with regard to the nuclear deterrent. Some argued that using nuclear weapons would be wrong whereas others held out that even threatening the use of such weapons was ethically impermissible. However, these debates were seen by those in the mainstream as being confined to the eccentric fringe of the disci-
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pline. In confronting an enemy who opposed every aspect of one’s cultural, economic, social, and political system, ethical discourse could be presented as trivial.6

During that time the Third World seemed a more promising area for normative theory. Here, questions about the protection of rights, about securing the self-determination of peoples from colonial rule, and, more importantly, about establishing a more just distribution of resources were quite clearly important to many people. But even here the Cold War put a damper on the salience of normative theory. Most political disputes in the underdeveloped world were immediately subsumed into international politics in Cold War terms. Once again, in practice there appeared to be no room for taking ethical questions seriously when the implacable foe – the total “other” – was seeking to use every opportunity to defeat the enemy.

In short then, that period of our history was presented to us, both by politicians and by the bulk of international relations theorists, in stark realist terms as a naked battle for power between the super powers. The core function for those studying international relations, understood in these terms, was to provide policy-makers with good information so that they could determine how best to secure western interests against the communist enemy and vice versa.

Now that that conflict is over and it is no longer possible to understand world politics in terms of a supposed conflict between good and evil, the way seems to be open for a resurgence of normative theory. There are several features of the present era which point in this direction.

First, it is now admitted on all sides that we live in an interdependent world. There are ongoing debates about which actors are primary, and about whether the relations between them constitute a system, a society or a community. But that we are involved in at least a minimum system of cooperation is beyond dispute. It is clear that in this context there are choices to be made in international relations which are not dictated by sheer necessity. Many of these involve ethical questions. Rich states, for example, have difficult choices to make with regard to the reconstruction of the former Soviet Union and adjacent territories. In making these choices, normative notions about rights, democracy, self-determination, sovereignty and just distributions, all have a role to play.7 Governments and citizens of the European Union have decisions to make about economic refugees which turn on ethical theories about the rights of individuals, the rights of
states, the duty of hospitality, and so on. With regard to Africa the rich states of the world face decisions about providing aid to victims of famine, civil war, and, in some cases, the genocidal policies of some African governments.

Second, the fact that most states, including the new ones created in the wake of the Cold War, are members of the United Nations (which has a specifically normative charter) also suggests that this should be a period of great flourishing for normative theory. For now most people in the world are joined, through their governments, in allegiance to an explicit set of principles contained in a legal document. It seems plausible to suppose that this would provide a base from which normative theorists could work – focussing their attention on the precise relationships which ought to hold, for example, between self-determination, democracy, and human rights, or, between sovereignty and human rights. Another pressing topic would seem to be that between justice within states and justice between states.

In spite of these developments favourable to the emergence of normative theory as a central concern for the discipline of international relations, normative theory has still not moved centre stage in the discipline. It has failed to do this because, concurrent with the events favourable to normative theory which I have outlined, other things have happened which seem to undermine the likelihood of progress in this direction.

The first of these is the emergence of nationalism which accompanied the end of bipolarity and the dissolution of the USSR. In many cases the nationalist movements which developed are particularly vigorous and often violent too. Second, in the Middle East, Islamic fundamentalism (often violent) continues to burgeon. On the face of the matter both of these present themselves as antipathetic to reasoned moral discourse. In their rhetoric they present themselves as expressivist and irrational. Muslim fundamentalist writers present their creed as rational within its own frame of reference, but quite at odds with the humanistic framework of the dominant Western powers. In their irrationalist forms, nationalist and fundamentalist movements seem to pose a threat to normative theory similar to that once posed by the “communist onslaught”. The threat resides in the way that communism, anti-communism, nationalism, and fundamentalism all profess to understand the world in zero-sum terms – that is, as a battle between an insider group in mortal combat with a
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hostile external foe. Against crusades, ethical discourse appears tame – if not irrelevant.

This impediment to normative theory is not as serious as it might appear at first glance. For these ostensibly “irrational” movements participate in a common practice of international politics with the rest of us. Within this practice they make claims for themselves which refer to well-known principles of political ethics. Nationalist movements refer to the Charter of the United Nations and in particular to the principle of self-determination which is enshrined in it. Islamic states claim their right to sovereignty and appeal for protection to the rule which prohibits intervention in the domestic affairs of sovereign states. They all claim the right to be treated justly in terms of international law. In short there is a distinction between the rhetoric that nationalist and fundamentalist groups use to mobilize their followers and the language that they use when making a case before an international audience. We ought not to let the rhetoric of fundamentalist and nationalist mobilization blind us to the possibility of serious normative argument with such actors.

In summary then I have argued that actors in world politics (including nations, nationalistic states, and fundamentalist states) have to take decisions on normative issues. In closing let me rehearse a short list of the questions which are pressing in our time: How ought we to treat economic refugees? Where several “nations” seeking self-determination in a single territory appeal to us for political, economic and military aid, whom should we assist? Under what circumstances should governments intervene in the sovereign affairs of other states to prevent human rights abuses there? In seeking to protect the international environment would we be justified in interfering in the internal affairs of other states? What are our duties to the victims of famine in states other than our own? What should the rich states of the world do about the poor ones?

If in the daily round of international relations we regularly have to take policy decisions on such normative questions, why is it that the discipline of international relations, by and large, relegates normative theory to the closing chapters of its textbooks, to a few specialized journals, and to “add-on” options at the end of university courses on the subject? The next chapter attempts an answer to this question.

In the first two chapters it will become apparent that there is no single reason for the failure to take normative theory seriously. Instead we find that there is a rather complex set of reasons for this
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failure. I subject this set of reasons to close scrutiny and find all of them wanting in one way or another. This ground-clearing exercise opens the way for the latter part of the book which is of a more positive nature. Here the aim is to make a start towards the building of a satisfactory theory which will enable us to provide answers to the hard questions of normative theory which confront us all every day. In chapter 3 I list some of the more pressing normative questions in contemporary world politics and suggest that these concerns can be encapsulated in the question: ‘What in general is a good reason for action by or with regard to states?’ This question serves as a useful point of departure in the subsequent quest for a normative theory. But prior to constructing such a theory I consider the contention that the question cannot be answered at all. An attempt is made to counter those who argue that conflicting answers to this question are inevitable, since in seeking an answer one necessarily becomes involved in a conflict of ideologies within which no rational solution is possible. I also consider the natural law/community of humankind approach to the pressing normative questions in international relations and indicate why it is not satisfactory.

In the latter part of chapter 3 I outline a constructive approach to normative theory which I argue, enable us to find answers to the difficult normative questions facing us in world politics today. In seeking solutions to these hard cases my point of departure is that, although there is no agreement amongst the actors involved in international relations about how to handle the difficult cases, nevertheless there is a substantial agreement on a whole range of normative matters. For example, there is widespread agreement that the preservation of the system of states is good, that intervention in domestic affairs of a sovereign state is normally wrong, that peace between states is better than war, and so on. I argue that this area of agreement provides a foundation from which we may start reasoning towards a solution of the difficult cases. I introduce a method of argument for doing this which was developed by Ronald Dworkin within the narrower context of jurisprudence. This method of argument involves, first, listing what is settled within the domain of discourse in question; second, constructing a background theory which will justify the list of settled beliefs within that domain; and, third, using this background theory to generate answers to the contentious cases.

In chapter 4 I start by listing what may be taken as the settled norms in international relations today. After that I consider three possible
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background justifications for the list of settled goods; the justification which stresses the primacy of order, the utilitarian justification and the contractarian rights-based justification. All of these are found to be wanting in specified ways.

In chapter 5 I articulate a background justification which I call the constitutive theory of individuality and give reasons for preferring it to the others. This justification involves us in a strikingly different mode of theorizing from that used in the other three justifications considered. There is, of course, considerable overlap among the different modes of theorizing, but for the sake of the analysis the distinctions between them are drawn as sharply as possible.

Finally, in chapters 6 and 7 I seek to show how the mode of theorizing developed in chapter 5 can be used to answer two sets of pressing questions in world politics. The first has to do with justifying the use of unconventional modes of violence (such as sabotage and international terrorism) in world politics. The second grapples with the problems that arise where groups claim the right to establish new states in disputed territory. I suggest that constitutive theory can be successfully used in seeking answers to other hard cases mentioned in chapter 4, but demonstrating this is beyond the scope of this book.