

THE STATE VERSUS THE INDIVIDUAL
IN
INTERNATIONAL THEORY:

A CRITICAL REVIEW OF THREE REALIST
CONCEPTIONS OF WORLD ORDER:

- HEDLEY BULL, THE ANARCHICAL SOCIETY
- TERRY NARDIN, LAW, MORALITY AND THE
RELATIONS OF STATES
- CHARLES R. BEITZ, POLITICAL THEORY
AND INTERNATIONAL RELATIONS

LOUISE WATSON

AUGUST 1988

A sub-thesis submitted for the degree of
Master of Arts (International Relations) in the
Department of International Relations,
Research School of Pacific Studies,
The Australian National University.

I testify that this sub-thesis is entirely my own work and that
all sources used have been acknowledged in full.

.....

CONTENTS

	Page
Introduction	
Chapter 1 An "International Society" Conception of World Order	10
1.1 Order in "International Society"	
1.2 Threats to International Order	
1.3 The Great Powers as Guardians of International Order	
Chapter 2 A Practical Conception of World Order	29
2.1 A "Morality of Mutual Accommodation"	
2.2 The Role of International Law	
2.3 International Law and Human Rights	
2.4 The Limitations of the Practical Conception	
Chapter 3 A Cosmopolitan Conception of World Order	48
3.1 The Moral State	
3.2 Critique of the Principle of State Autonomy	
3.3 International Distributive Justice	
3.4 Realising the ideal in a Non-Ideal World	
Chapter 4 The State in International Theory	72
4.1 The Representative State	
4.2 An International Code of Conduct	
4.3 Understanding the State	
Conclusion	96
Bibliography	100

INTRODUCTION

In the following chapters, I will examine how three prominent theorists of international relations¹ justify their conception of world order. Bull, Nardin and Beitz have each developed state-centric theories of world order which, they claim, nevertheless protect the common good of individuals within states: Bull argues the interests of individuals are best served by maintaining order among states; Nardin claims human rights considerations are already implicit in customary international law; and Beitz argues it is possible for the system of states to accommodate principles of justice. All three texts under consideration implicitly endorse the realist proposition that promoting order among states will ultimately serve the interests of the individuals within them.²

I chose these three authors because although each would claim to have a different theory of world order, they all justify a conception of the world which upholds states' rights. I aim to show that in spite of superficial differences, each writer's perspective suffers the contradictions of attempting to reconcile a states' rights principle with the principle of promoting the common good. Of the three, Charles Beitz would probably be the most likely to object to being identified with the realist tradition. However, as I will demonstrate in chapter three, Beitz's attempt to develop an alternative theory to the realist position is limited by his continued acknowledgement of the prior rights of states.

While many other writers fall into the same category as Bull, Beitz and Nardin,³ I have chosen to focus on these three

authors because they are representative of three dominant streams of international theory and each text provides the fullest exposition of a particular approach. While Bull's writings are far more extensive than the study of one text might imply, Bull states his intention in writing The Anarchical Society as, "to expand systematically a view of international society and international order that I have stated only in a piecemeal fashion elsewhere".⁴ It could be argued that Bull's later works⁵ represent a significant movement away from the central thesis of The Anarchical Society, however, I consider this shift to be peripheral and Bull's basic position to remain the same. Bull's published writings in the 1980s do attempt to accommodate rather than rebut Third World claims in regard to world order, however, he continues to portray order and justice as competing goals in international relations and argues that the unrelenting pursuit of justice jeopardises order among states.⁶

In choosing which authors were most representative of a particular position, I specifically left out Linklater and Frost in favour of Beitz. While Linklater's work is similar to Beitz's in that it is a theory of structure rather than action, and argues for the transferral of domestic morality to international relations, more so than Beitz, Linklater's theory is totally in abstract, in line with his argument that theorists should simply uncover the "meaning and rationality" of the world before advocating a particular form of international order.⁷ Beitz, in contrast, attempts to give his theory a practical application, to the extent that he develops principles in regard to the issues of non-intervention and self-determination.⁸ While Frost is in the same "normative" genre as Beitz and Linklater, he is more concerned to present a domestic political theory of the state,

than a theory of the state in international relations.⁹

My critique of these theorists will evaluate the extent to which their claims are valid and in particular, highlight the problems involved in arguing that upholding states' rights promotes the common good. In the final chapter, I will discuss the difficulties which arise in attempting to construct a theory which reconciles the claims of individuals with those of states.

I do not agree that some theories are inherently more "objective" than others, or that theory can in any sense be value-free. Described by Hall as "one of the most profound myths in liberal ideology", the claim of objectivity should not distract our attention from the writer's normative agenda.¹⁰ Suganami points out that Bull in particular is "hesitant to acknowledge" the normative character of The Anarchical Society.¹¹ For political theory, knowing the authors' view of what should be is an important element in assessing the merits of their theoretical claims.

While Bull claims to "believe in the value of being detached or disinterested", his observation that "some approaches to the study of world politics are more detached or disinterested than others", is not borne out by his own approach.¹² In the introduction to The Anarchical Society, Bull states his purpose in writing the book as "the purely intellectual one of inquiring into the subject and following the argument wherever it might lead".¹³ However, he subsequently re-states his purpose throughout the text as being to "defend" a particular conception of world order against what he perceives as an "attack" from "universalist or solidarist assumptions".¹⁴ Thus Bull, in common with other

political theorists, is an advocate as well as a reporter.

Broadly speaking, the purpose of theory is to attempt to explain the world, on the understanding that the discourse of the social sciences is both reflective and determinant of the reality of which it is a part.¹⁵ One need not ascribe to a narrow view of observable truth to accept that a theorist can develop a series of principles or formulae through description and analysis of observed phenomena.¹⁶ Even if we accept that all meaning is interpretation, theories should nevertheless be able to withstand comparison with observable events.¹⁷ The "test" of a theory is therefore the extent to which it concurs with one's perception of reality and whether it is useful in predicting the future consequences of contemporary events.¹⁸

While this definition is appropriate to the role of theory in general, political theory has a further dimension - the quest to define the best possible political arrangements for mankind: "Political thought is itself a form of political action. Political science is the science not only of what is, but of what ought to be."¹⁹ Much of international theory, for example, focuses on the causes of conflict among states in the hope of understanding how conflict can be minimised or avoided. Political theory therefore incorporates a sense of the ideal as well as the real in its analyses of the world, canvassing the possible as well as the probable, in its attempt to provide meaning and interpretation.²⁰

The overriding focus of modern political theory is to examine the political aspects of human relationships, including the relationship between individuals and the state.²¹ Whether

one accepts an Aristotelian or Hobbesian view of these relationships, the state is most commonly seen to exist for the individual and is expected to promote the common good.²²

The theories of Bull, Nardin and Beitz incorporate several key assumptions about the nature of the relationship between individuals and the state which will be examined in chapter four. As theorists of international relations, Bull, Nardin and Beitz do seek to justify their conception of world order in terms of the common good. Bull supports the development of orderly relations among states in the belief that "order in social life is desirable because it is the condition of the realisation of other values".²³ Nardin argues for human rights to be accommodated in international law,²⁴ and Beitz says states are capable of adopting a revised set of rules of association which accommodate principles of distributive justice.²⁵

My examination of how Bull, Nardin and Beitz justify their conceptions of world order in terms of the common good should not be confused with the debate about whether order is prior to justice in international relations.²⁶ Where Bull portrays order and justice as competing elements of international society, he is actually discussing competing conceptions of world order, one which emphasises the rights of states, and the other which emphasises the rights of individuals.

While I have chosen to organise a chapter around each author and present my own thoughts in chapter four it would have been conceivable to organise each chapter along thematic lines. I decided to focus on each author individually in order to develop the fullest possible critique of their respective positions. As

each author claims to present a different theory of international order, it was necessary to demonstrate how each theory is developed as a whole to expose its inherent contradictions and to avoid the accusation of selective reasoning.

Neither Bull, Nardin nor Beitz offer a working definition of the state in any of the three texts. As this lack of definition poses fundamental problems for the three theories under consideration, I will endeavour to approach a working definition of the state as I develop my critique. However at the outset I would like to resolve any confusion aroused by the personification of the state in international relations. In the absence of a more comprehensive definition, we should at least acknowledge that all states are represented by a head of state in the international arena, so where one refers to a state's actions, one is actually describing the actions of a head of state. Whether the head of state is an individual, an elected government, or the product of some other form of political process, all states possess one, and for the purposes of international theory, the head of state is the "person" to whom a state's actions should be attributed.

To attempt to define "the common good" in terms of a specific principle would detract from the central objective of this thesis - to examine how three theorists justify their conceptions of world order. Bull, for instance, defines these goods as the "goals" of security of human life, sanctity of contracts, and stability of possession, without which "we cannot speak of the existence of a society or of social life".²⁷ However, as definitions of the "good life" encompass a wide range of "goods", from the minimisation of violence to the provision of economic security, I favour the broadest possible definition.

Brown's definition that "the good life is one which involves all the basic goods to the proper extent", and "the good society is one which promotes such lives, at least as a prime objective"²⁸ is a sufficient starting point to review the argument that an order based on recognising the rights of states promotes the common good of individuals within them.

NOTES - INTRODUCTION

1. Bull, Hedley. The Anarchical Society. A Study of Order in World Politics. Macmillan, 1977. Nardin, T. Law, Morality, and the Relations of States. Princeton University Press, 1983. Beitz, C.R. Political Theory and International Relations. Princeton University Press, 1979.

2. see Wight, M. "Western Values in International Relations", in Butterfield, H. and Wight, M. Diplomatic Investigations. Allen and Unwin, 1966, pp. 89-131.

3. e.g. Frost, M. Towards a Normative Theory of International Relations, Cambridge, 1986. Linklater, A. Men and Citizens in International Relations, Macmillan, 1982. Vincent, R.J. Non-intervention and International Order. Princeton University Press, 1974. Waltz, Kenneth.N. Man, the State and War Columbia University Press, 1954. Wight, Martin. Power Politics. Royal Institute of International Affairs, 1946.

4. Bull, op. cit., p. ix.

5. e.g. Bull. H. Intervention in World Politics, Clarendon Press, 1984. Bull, H. Justice in International Relations, 1983-84 Hagey Lectures, University of Waterloo, Ontario. 1984. Bull, H. and Watson, A. The Expansion of International Society. Oxford University Press. 1984.

6. Bull, H. Justice in International Relations, p. 18. Bull also maintains that we should look to states rather than persons for "consensus" about "the meaning of human rights" (p.13)

7. Linklater, op. cit., p. 3

8. Beitz, op. cit. pp. 83-104.

9. Frost, op. cit.

10. Hall, S. "The Determination of News Photographs", in Cohen, S. and Young, J. (eds) The Manufacture of News, London,

1973, p.182.

11. Suganami, H. "Reflections on the Domestic Analogy: the case of Bull, Beitz and Linklater", in Review of International Studies (1986), 12, pp.145-158, p.150-151.

12. Bull, op. cit., p. xv

13. ibid.

14. Bull, op. cit., p.75.

15. Berger, P. and Luckman, T. The Social Construction of Reality, 1966.

16. Popper, K.R. "On the Sources of Knowledge and of Ignorance", in Conjectures and Refutations, New York, Basic Books, 1972.

17. Carr, E.H. What is History? 1961. Lond. Penguin, 1977, pp. 28-30.

18. ibid. Ch. 4 "Causation in History".

19. Carr, E.H. The Twenty Years' Crisis 1919 - 1939, McMillan Press 1939. p.5.

20. ibid., Ch. 2 "Utopia and Reality".

21. Berki, R.N. The History of Political Thought. Rowman and Littlefield, USA, 1977.

22. ie. one can see the state either as the fulfilment of the individual (Aristotle, Burke, Hegel etc.) or as a necessary evil which compromises the fundamental freedom of man (eg. Spinoza, Hobbes, Rousseau, Kant), see Berki, op. cit.

23. Bull, op. cit., p. 97-98.

24. Nardin, op. cit., p. 238-239.

25. Beitz, op. cit., pp.169-176.

26. Bull, op. cit., pp.77-100.

27. Bull, op. cit., p6.

28. Brown, A. Modern Political Philosophy. Lond. Penguin, 1986. p.167.

CHAPTER ONE

AN "INTERNATIONAL SOCIETY" CONCEPTION OF WORLD ORDER

Hedley Bull's conception of order in The Anarchical Society, is based on two apparently contradictory principles. On the one hand, Bull claims every state has a fundamental right to autonomy, while on the other hand, he endorses the right of Great Powers to intervene in other state's affairs, ie. to "exploit their preponderance in such a way as to impart a central direction to the affairs of international society as a whole".¹ Bull reconciles these two principles by portraying the state as capable of exercising "rights and responsibilities" within "international society".

Order in "international society" is maintained by a pecking order among states dominated by the Great Powers. Bull draws on the historical record to prove that this pecking order goes hand in hand with order in the system of states, and therefore argues that international society protects individuals within states by minimising the level of conflict between states in the international arena.

1.1 Order in "International Society"

Bull claims that the application of the state of nature analogy to international relations has led many theorists to the conclusion that in the absence of a common power to enforce international order, relations between states are in a constant state of war.² Bull denies that international society is a state of nature, while at the same time denying that the world resembles

domestic political society.³ Instead, his "international society" conception of international order falls somewhere between the two.⁴

The "international society" conception of international relations is based on the perception that the system of states possesses a significant degree of internal order. This element of order among states is not imposed from above, but is reflected in the way states conduct themselves in relation to each other. The fact that all states have a common interest in self-preservation, Bull claims, translates to a common interest in the preservation of international society. The evidence of this common interest is in the way states observe innumerable, often unstated rules and institutions in their conduct with other states.⁵

Bull argues that states are committed to promoting orderly relations with one another. Therefore order is maintained in international society by the sense of a common interest among states; through the rules of coexistence; and through the protection of these rules by international institutions.⁶

In explaining why states would feel they have a common interest in self-preservation, Bull employs the analogy of an individual's natural desire to seek peaceful coexistence. "The maintenance of order in international society has as its starting-point the development among states of a sense of common interests in the elementary goals of social life".⁷ These are the goals of "life, truth, and property" which are fundamental to any order among human beings, in the sense that "...a constellation of persons or groups among whom there existed no expectation of

security against violence (life), of the honouring of agreements (truth) or of stability of possession (property), we should hardly call a society at all".⁸

The universal goals of life, truth and property, whether applying to states or individuals, need not be enshrined in positive law to be effective, since "order in social life can exist in principle without rules and ... it is best to treat rules as a widespread, and nearly ubiquitous, means of creating order in human society, rather than as part of the definition of order itself".⁹

Evidence of states believing in the goal of coexistence is demonstrated by their acceptance of the rules which place restrictions on state behaviour. Like individuals, states obey rules which reflect the universal goals of all social life - rules regulating the conduct of war (life); upholding the principle of pacta sunt servanda (truth); and respecting the principle of state sovereignty (property).¹⁰

The rules are in turn "protected" by the five institutions through which states pursue their own goals in international society - the balance of power, international law, diplomacy, war and the Great Powers.¹¹

Bull does not see order for order's sake as the ultimate goal of international society, nor is the preservation of the society of states the sole purpose of international society, for "states are simply groupings of men, and men may be grouped in such a way that they do not form states at all".¹² The goal of order among states is subservient to the higher goal of "world

order" which "sustain(s) the elementary or primary goals of social life among mankind as a whole".¹³ Upholding states' rights is only justifiable to the extent that it is "instrumental to the goal of order in human society as a whole".¹⁴

World order is more fundamental and primordial than international order because the ultimate units of the great society of all mankind are not states (or nations, tribes, empires, classes or parties) but individual human beings, which are permanent and indestructible in a sense in which groupings of them of this or that sort are not.¹⁵

Although the "international society" conception of order should serve the "higher" goal of world order, its potential to do so is nevertheless indirect because it upholds the rights of states over the rights of individuals. While Bull admits the "international society" conception of world order may not seem to take sufficient account of justice considerations, he argues that maintaining order between states is the best means of promoting justice for individuals within them.¹⁶

...if there is not a certain minimum of security against violence, respect for undertakings and stability of rules of property, goals of political, social and economic justice for individual men or of a just distribution of burdens and rewards in relation to the world common good can have no meaning.¹⁷

Explaining the apparent contradiction in attempting to reconcile the principle of respecting states' rights with the principle of Great Power dominance, Bull argues first, that the attitudes of certain states pose more of a threat to international order than others, and second, that the Great Powers are capable of exercising restraint in their relations with one another in the interests of promoting international order.

...to the extent that the framework of international order is a strong one, it is able to withstand the shock of

violent assaults carried out in the name of 'justice'. At the present time, for example, the nuclear peace has made the world safe for just wars of national liberation, carried out at the sub-nuclear level, and the international or interstate peace has made the world safe for just internal¹⁸ and civil violence.

1.2 Threats to International Order

Bull argues against allowing individuals to make claims outside the boundaries of the state on the grounds that to do so would pose a serious threat to international order.

...the idea of the rights of the individual human being raises in international politics the question of the right and duty of persons and groups other than the state to which he owes allegiance to come to his aid in the event that his rights are being disregarded - the right of the Western Powers to protect the political rights of the citizens of Eastern European countries, of Africans to protect the rights of black South Africans, or of China to protect the right of Chinese minorities in South-east Asia. These are questions which, answered in a certain way, lead to disorder in international relations, or even to the breakdown of¹⁹ international society itself.

So how does Bull see justice as being achieved in the "international society" conception of order? First, claims for justice must be articulated by a state, or by a representative of a state. However, as "universal ideologies that are espoused by states are notoriously subservient to their special interests",²⁰ the claims for justice must also be supported by a consensus in the society of states. Bull cites agreement among states on decolonisation in Africa and Asia as an example of how a principle can be gradually accepted by the society of states, and ultimately receive universal legitimacy.²¹ He also offers the hypothetical example that if "there were a consensus within the United Nations, including all the great powers, in favour of military intervention in South Africa to enforce national self-determination for black majority populations and to uphold black African political rights,

it might be possible to regard such intervention as implying no threat to international order..."²²

This approach is consistent with Bull's theory about how order in international society has come about - through an informal set of rules and institutions which acquire validity once the majority of states feel it would be in their interests to adhere to them. One would therefore expect any claim for justice to be acceptable if it met the above criteria, ie. was articulated by a state and accepted by the society of states. In terms of Bull's criteria, any claim for justice, whether it be the claim for a New International Economic Order, or claims for universal human rights, could receive international expression as long as it was introduced by a state, and supported by a consensus of states.

But Bull insists that any idea which is not already part of the "consensus" among states is a threat to international order. Bull argues that ideas which are not already supported by a consensus among states are a threat to world order, because "when demands for justice are put forward in the absence of a consensus within international society as to what justice involves, the prospect is opened up that the consensus which does exist about order or minimum coexistence will be undone".²³

Bull fails to explain why the basis of international order could be undermined by the absence of agreement among states on an issue like justice, when states disagree on innumerable other issues, none of which are a threat to international order. By Bull's own definition, until an issue is accepted by states, it cannot receive political expression in the international arena, and therefore should not pose a threat to international order.

The only way in which a state could threaten the existing "consensus" would be if states who are members of the international system were prepared to undermine it.

Bull believes certain states would be prepared to undermine the present international order, in that "whereas the Western powers, in the justifications they offer of their policies, show themselves to be primarily concerned with order, the states of the Third World are primarily concerned with the achievement of justice in the world community, even at the price of disorder".²⁴

Bull's fears would appear to be misplaced, if we understand his conception of international order as resting on: 1) a sense of common interest among states in preserving the society of states: 2) the existence of rules which recognise the limitation of war, the keeping of promises, and the right to sovereignty; and 3) institutions which facilitate the pursuit of states' own goals in an environment of peaceful coexistence. All of the above place a primary value on the rights of states. So any state which tried to undermine the basis of order in international society, would effectively be undermining itself.

There is no evidence of any decline in the popularity of the state as an institution, particularly in the Third World. Third World leaders are the most vocal supporters of the principle of non-intervention, and are the also the most willing to claim that issues like human rights are domestic political concerns. Nor do claims for a New International Economic Order pose a threat to the states-rights principle. The NIEO was articulated by states, for states, and the redistribution of wealth demanded under the NIEO implies no departure from the principle which recognises the state

as the primary bearer of rights and responsibilities in international society.

The reason Bull sees states of the Third World as a threat to international order, is because the "international society" conception of order is not based on a states' rights principle, but on a principle which defends the dominance of the Great Powers. Bull's portrayal of his "international society" conception of world order in terms of a states-rights principle is an attempt to disguise his endorsement of the dominance of the Great Powers. Bull's theory does not offer any understanding of how change will occur, either within states, or through the actions of states in the international arena because his theory is simply a defence of the status quo.

It could however be argued that a defence of the status quo is the best means of promoting international order, and this will be examined below.

1.3 The Great Powers as Guardians of International Order

While independence of outside authority and the control of one's territory and population is a fundamental right of states, they enjoy sovereignty in name only, the rights of states being overridden by power politics. Bull admits that state sovereignty is a nominal sovereignty but argues that the inequality of states is a positive force for international order. By facilitating the rise of Great Powers, the inequality of states has the effect of "simplifying" the pattern of international relations, enabling anyone "contemplating the vast and amorphous world body politic, to distinguish the relations among the great powers as its

essential skeleton".²⁵ While Bull admits "international order sustained by the great powers does not provide equal justice for all states",²⁶ he counters with the observation that the only possible alternative to the present Great Power balance would be "one in which these custodians and guarantors are replaced by others".²⁷

Bull cites the greatest threat to order and justice in the world as the breakdown of the present order among states into a "Hobbesian State of War".²⁸ He claims that the present Great Power balance has reduced the likelihood of war in international society.

...in international politics at the present time, the role of war, at least in the strict sense of interstate or international war, appears more closely circumscribed than²⁹ before the end of the Second World War.

Bull attributes this success in part to the direction imposed on international relations by the nuclear balance between the Great Powers. While war in the present time "has not been robbed of its historic political functions... the range of political functions it can serve has become narrower, the costs of resorting to it greater".³⁰

Although war is one of Bull's five institutions of order, its effectiveness depends upon the outcome of war never being absolute. As such, war is an instrument of change in international society with a "dual aspect". On the one hand, it is a "manifestation of disorder in international society, bringing with it the threat of breakdown of international society itself".³¹ On the other hand, war is used by states as an instrument of policy, and is thus a positive force for order on

international society.

From the point of view of the international system, the single mechanism or field of forces which states constitute together by virtue of their interaction with one another, war appears as a basic determinant of the shape the system assumes at any one time.³²

Together with the other institutions of international order, war therefore plays a positive role in the maintenance of international order. The institution of the balance of power, for example, reduces the incidence of war, by postponing the outbreak of conflict until it is absolutely unavoidable.³³ The institutions of international law and diplomacy, in turn, assist in preserving the balance of power by maintaining the maximum degree of communication between states.³⁴ And finally, the institution of Great Power dominance minimises the unnecessary outbreak of war by imposing a central direction on the affairs of international society as a whole.

War therefore provides the ultimate pressure valve to relieve state rivalry, but its value depends upon the outcome of war never being absolute.

The rules and institutions which international society has evolved reflect the tension between the perception of war as a threat to international society which must be contained, and the perception of it as an instrumentality which international society can exploit to achieve its purpose.³⁵

In the past, war has been an essential pressure valve for the balance of power between states because of the tendency of states to work themselves into a "simple balance" of two opposing power blocs. Burns concluded that the most stable balance of power situation is one when there is a "multiple balance" of states, roughly equal in strength, and "not readily divisible into

two equal sides",³⁶ such as the situation in post-Napoleonic Europe following the Congress of Vienna.³⁷ But multiple balances never seem to last: "any system embodying the balance of power has some intrinsic tendency to diminish the number of its constituent powers or blocs, and no intrinsic tendency to increase that number".³⁸ This "simple balance" is inherently unstable and ultimately finds its resolution in war.³⁹

The advent of nuclear weapons would therefore appear to have serious implications for the role of war as a pressure valve for the "simple balance". Bull disagrees, pointing out that since the Great Powers have a monopoly on the use of nuclear weapons, and have refrained from using them against one another under the strategic posture of mutual nuclear deterrence, the balance of power now operates on two levels. At the nuclear level, the simple balance is essentially "frozen" because of the restraint exercised by the nuclear powers. This restraint leaves the traditional mechanisms of war and the balance of power free to work in the non-nuclear arena.⁴⁰

Bull initially defined the purpose of any order as promoting the fundamental goals of human life - life, truth and property. His translation of these goals into states' rights principles did not acknowledge the right of Great Powers to override them. Nevertheless, Bull maintains that the international order dominated by the Great Powers still promotes the fundamental goals of human life, by minimising the outbreak of conflict with the goal of preserving the society of states.

Because states are grossly unequal in power, certain international issues are as a consequence settled, the demands of certain states (weak ones) can in practice be left out of account, the demands of certain other states

(strong ones) recognised to be the only ones relevant to the issue at hand. ⁴¹

Great Powers contribute to international order "by managing their relations with one another", and "by exploiting their preponderance in such a way as to impart a central direction to the affairs of international society as a whole".⁴² While the Great Powers often violate other states' rights, and may "frequently behave in such a way as to promote disorder rather than order", their existence is essential to international order, particularly in the nuclear age.⁴³

International order thus depends upon the effectiveness of the great powers in effectively "managing their relations with one another; and exploiting their preponderance in such a way as to impart a degree of central direction to the affairs of international society as a whole".⁴⁴ Bull says they do this in a number of ways. They manage their relations with each other by preserving the general balance of power, seeking to control their crises with one another, and seeking to limit or contain wars between them. And they exploit their preponderance in relation to the rest of international society by exploiting their local preponderance, respecting each other's spheres of influence, and occasionally taking joint action, in a Great Power concert.⁴⁵ Bull concludes that the Soviet Union and the United States do "carry out" these six roles, and "thereby help to sustain an order of sorts".⁴⁶

The credibility of Bull's theory of international order rests upon the effectiveness of the Great Powers in exercising the "restraint" necessary to carry out their special roles in maintaining international order.

Bull offers no evidence to prove his assertion that the role of war is more circumscribed in the nuclear age. But if there is any substance to this assertion, it would be because Bull employs a very narrow definition of war: "organised violence carried on by political units against each other".⁴⁷ Apart from one reference to "civil wars (which) are internationalised by virtue of the intervention of outside states in them)"⁴⁸ Bull does not address the more pertinent issue of global conflict.

If the incidence of conventional war between states has declined, the incidence of unconventional war has not. The pretext that unconventional violence does not involve states, is not valid in an era when acts of terrorism and intervention in the civil wars of other states are increasingly state-sponsored activities.

Writing five years before Bull, George Modelski noted that the absence of declared wars between "political units" in the post-war era, did not necessarily imply the absence of global conflict.⁴⁹ In the twenty-five years between 1945 and 1970 some sixty-five "armed conflicts" occurred throughout the world, most of which were never 'declared' wars.⁵⁰ In seventy-five per cent of these cases, the "armed conflicts" involved outside intervention, leading Modelski to conclude, "even though the great powers did not themselves collide in global combat, they did clash indirectly in conflicts they were involved in, sometimes through third parties".⁵¹

Bull's claim that "stability" is imparted to international order by the "managerial" role of the Great Powers rests on a

deliberately narrow definition of war as, "organised violence carried out by political units against each other". Thus Bull is able to ignore the indirect means by which Great Powers are able to play out their competitiveness, without engaging in conventional war.

Wight identified three main ways in which states could play out their conflict when war was not available as an instrument of policy: first, compensation - "giving a state the equivalent of something of which you deprive it"; second, intervention - usually into the affairs of a satellite state; and third, the establishment of buffer states.⁵² In the nuclear age, identification of such activities provides a useful guide to what measures are available to Great Powers who are prevented from using declared war as an instrument of policy. If the posture of mutual nuclear deterrence has reduced the onset of declared war, in terms of Wight's analysis MND is likely to be contributing to the escalation of non-declared conflict. The function of MND in "freezing" the simple balance forces the great powers to play out their rivalry by Wight's three alternate strategies, all of which involve interference in the affairs of other states.

Bull thus fails to support his argument that the rights of states, and the special rights of Great Powers should be prior to the rights of individuals for the sake of international order. He shows no evidence to support the contention that the international society conception of order promotes justice for individuals within states, nor that states, particularly Great Powers, exercise restraint in the interests of maintaining order among states in the nuclear age.

The balance of power may well have been an instrument of stability in world politics in centuries past, but traditional balance of power theory never attributed states' motives to anything but the pursuit of self-interest.⁵³ Bull attempts to reinterpret balance of power theory in light of the nuclear age, by asserting that states, particularly the Great Powers, exercise self-restraint in the conduct of international relations. The proof of such self-restraint, in terms of a reduced incidence of declared war between states, rests on a deliberately narrow definition of war which excludes the range of alternative methods available to states when declared war is not a viable instrument of policy. With the Great Powers locked in a simple balance, it appears more likely that MND would result in an escalation of unconventional conflict, as states play out their competitiveness by other means.

Bull is so concerned to defend the role of the Great Powers in international politics, driven perhaps, by what Fitzpatrick calls, "conservative idealism"⁵⁴, that his portrayal of the state verges on anthropomorphic. He sees the state not merely in holistic terms, but within the "international society" conception, attributes to the Great Powers rights and responsibilities which one would expect of an individual in a social order. Yet he never offers any explanation as to why we would suddenly expect states to set aside their own interests for the long-term goal of preserving international society.

Bull's "international society" conception of world order suffers the contradictions inherent in attempting to develop a theory of order on the basis of a state's right to pursue its own interests. The claim that allowing states to pursue their own

interests will result in order, does not explain how such order will come about. As such, Bull fails to explain how the "international society" conception departs from the Hobbesian interpretation which argues that the pursuit of self-interest renders international society a state of anarchy. Bull's attempt to bridge this gap by vesting moral responsibility in the state is invalid in the absence of evidence to demonstrate the state's capacity to exercise self-restraint with the goal of preserving international society.

NOTES - CHAPTER ONE

1. Bull, Hedley. The Anarchical Society. A Study of Order in World Politics. Macmillan, 1977. p.207
2. ibid. p.75
3. ibid.
4. ibid. pp.51-52
5. ibid. p.75.
6. ibid. pp.66-76
7. ibid.p. 67
8. ibid.p. 5
9. ibid.p. 7
10. ibid. pp. 69-70
11. ibid. pp. 73-74
12. ibid.p. 20
13. ibid.
14. ibid.p. 22
15. ibid.
16. ibid.p. 97
17. ibid.p. 83
18. ibid.p. 98
19. ibid. pp. 83-84
20. ibid.p. 86
21. ibid.p. 98
22. ibid.p. 96
23. ibid.p. 86
24. ibid.p. 77
25. ibid.p. 206
26. ibid.p. 48
27. ibid.p. 49
28. ibid.p. 295

29. ibid. p. 194
30. ibid.
31. ibid. p. 187
32. ibid.
33. ibid. pp. 116-117
34. ibid. pp. 123-143 and pp. 163-183
35. ibid. pp. 187-188
36. Burns, A.L. From Balance to Deterrence. A Theoretical Analysis. The ANU Social Science Monographs, 1956. p. 13
37. Gulick, Edward Vose. Europe's Classical Balance of Power. Cornell University Press, 1955. p. 304
38. Burns, op. cit. p.43
39. ibid. p. 15 and Wight, Martin. Power Politics. Royal Institute of International Affairs, 1946. p. 43
40. Bull, op. cit. p. 124
41. ibid. p. 206
42. ibid. p. 207
43. ibid.
44. ibid.
45. ibid.
46. ibid. p. 227
47. ibid. p. 197
48. ibid.
49. Modelski, George. Principles of World Politics, The Free Press, New York, 1972. p. 288
50. ibid. pp. 304-307
51. ibid. p. 312
52. Wight, op. cit. pp. 46-54
53. Gulick, op. cit.
54. Fitzpatrick, John, "The Anglo-American School of International Relations: The Tyranny of A-historical Culturalism",

in Australian Outlook, Vol. 41, No. 1. April 1987, pp. 45-52.
p.51.

CHAPTER THREE

A PRACTICAL CONCEPTION OF WORLD ORDER

In the preface to Law, Morality and the Relations of States, Terry Nardin describes his work as neither "empirical" nor "normative" but rather "philosophical" in approach, "in the sense of an examination of the assumptions underlying particular ways of speaking and thinking".¹ He claims he is not interested in justifying or recommending conduct, but rather in explaining how the set of authoritative practices which govern the behaviour of states embody an international morality. Nardin is, however, defending a conception of order which upholds the rights of states to pursue their own interests.

While Bull portrays states as having a shared purpose in the preservation of the international system, Nardin argues that states have no shared purpose other than the pursuit of self-interest. However, international order is a bi-product of states' mutual recognition of the state's right to single-mindedly pursue its own goals within a framework of constraints which recognise the right of all states to do the same. International law thus provides the framework to facilitate the pursuit of states' interests and, Nardin argues, to accommodate recognition of individual rights.

Nardin strongly refutes the idea that states co-operate in the pursuit of a common purpose, such as the preservation of international society. He argues instead that the best way to achieve order in international relations is to allow states to pursue divergent ends, and to incorporate this principle into

international law. The extent to which moral aims can be achieved in international relations is not therefore dependent upon states combining to pursue a common purpose, but on the degree to which they are able to pursue their own goals within the limits imposed by authoritative practices. These authoritative practices derive from the actual behaviour of states and are defined in international law.

According to Nardin's "practical" conception of international order, the common good is realised both by maximising the likelihood of peaceful coexistence among states (ie. preserving order among states promotes justice within them) and by the recognition of human rights in international law. The contradiction in Nardin's theory is his attempt to argue that international law can respect the rights of individuals while at the same time respecting the rights of states.

2.1 A "Morality of Mutual Accommodation"

Nardin argues that the system of states is form of association where in spite of there being no common power to enforce laws governing relations between members of the community, certain restraints on behaviour are upheld because states voluntarily comply with them. These restraints amount to a set of "authoritative practices" within which states are obliged to conduct their relations with one another. Authoritative practices consist of "rules, principles, ceremonies, manners, and procedures that all who fall within their jurisdiction are supposed to observe, regardless of whether such observance is favorable or unfavorable to the pursuit of particular ends".²

Authoritative practices are embodied in the many types of practical associations formed to regulate interactions between states, such as diplomacy, customary international law, and "certain moral traditions".³ Authoritative practices are not laid down by a law-making authority, but evolve over time as states pursue their own interests in the international arena. To be able to pursue their own interests, states must adhere to certain conventions which, Nardin says, recognise the right of other states to do the same. Nardin sees these authoritative practices as embodying a principle of "mutual accomodation" which forms the essence of the morality of states.

Authoritative practices are obviously not binding on states all of the time, otherwise international conflict would not occur. Nevertheless, Nardin sees authoritative practices, based on the principle of mutual accommodation, as providing a set of values "by which international conduct is to be guided and judged".⁴ He argues international law should reflect only the principle of mutual accommodation which recognises the rights of all states to pursue their own ends, bound only by the constraints that allow other states to do the same.

Nardin objects to those international theorists and lawyers who attempt to portray states as capable of pursuing common goals rather than simply their own ends.⁵ He calls such a conception of international society "purposive" in contrast with his "practical" conception based on the practices of states. Nardin does not deny that states often co-operate to promote shared purposes, but says they are only able to do so because authoritative practices already exist. The institutions and authoritative practices of international society are merely

mechanisms which provide the optimum environment for states to achieve their own goals. Any higher purpose can only be achieved "within an existing framework of practices and procedures, at least some of which have not been deliberately instituted".⁶

The "practical" conception (ie. one which recognises the rights of states to pursue their own goals) is therefore "a condition for the public order of the community", whereas a purposive conception of international society presupposes the seeking of other ends, (ie. common goals) which may undermine the existing basis of order.⁷ While the practical conception is supposedly the outcome of state practice, Nardin, like Bull, sees a need to defend his conception of world order against perceived "threats" from those who advocate principles of state behaviour other than the pursuit of self-interest.

He roundly criticises what he perceives to be a twentieth century trend to make "the purposive conception of international society... (the) leading doctrine of world order".⁸ He cites moves within the United Nations "to promote the realisation of the social and economic welfare of its constituent societies", as an inappropriate attempt by states to do something "not merely as a means to international peace and security but as an end in itself".⁹ Such activities do not result in a "new purposive consensus", but rather "an incoherence that has further weakened the hold of the practical conception on the conduct of states - the majority of which are new states for whom the experience of participation in the United Nations has a significance that it does not have for the older states of European origin".¹⁰

Nardin thinks purposive conceptions of international society

"mistake the basis of international association, the character of international law, and the meaning of moral conduct in world affairs".¹¹ He says the purposive approach does not understand that the only means of achieving world order is to recognise the rights of states to pursue their own interests. "Often there is no shared purpose uniting those whose conduct is governed by an authoritative practice such as a morality or a system of laws, and in such cases there is no basis of association other than these common constraints".¹²

As I pointed out in chapter one, the agreement among states to pursue common interests does not imply that every state is not primarily concerned with pursuing its own interests. However, like Bull, Nardin is attempting to advocate a conception of order which he feels certain states may not accept, in the mistaken belief that Third World states seek to undermine the basis of the present world order. States' pursuit of so-called purposive goals through an international institution like the United Nations, takes place within a set of authoritative practices which continue to recognise the rights of states as a first principle. The existence of "purposive" activities does not mean the system of states is becoming "a co-operative venture where people work together for mutual advantage",¹³ because the United Nations is a forum within which sovereign states are the only legitimate voice. The pursuit of common goals by states does not necessarily indicate any weakening of states' intentions to pursue their own goals, but could represent the pursuit of those goals by different means. Participation in "purposive" activities of any kind remains voluntary, and states remain at liberty to pursue their goals however they choose.

Nevertheless Nardin argues that purposive concerns must not be recognised in any form in the doctrines of international law, even if they are state-sponsored activities.

2.2 The Role of International Law

Nardin believes that to be effective, international law should only embody the rules and standards of the practical conception of international relations, in that "the authority of the standards or rules governing relations among the associates is independent of the particular ends sought by each".¹⁴ Thus the source of international law should be the practices of states.

While Nardin suggests that guidance as to what these principles might be should come from customary practices of states, he also argues that international law should embody the principle of mutual accommodation, and avoid endorsing purposive approaches to international society. Nardin sees the principle of mutual accommodation as the moral foundation of order in international relations. The "morality of accommodation" recognises every state's right to legitimately pursue its own ends in the international arena, and is thus the only morality appropriate to a society of states. The morality of accommodation is "an authoritative practice composed of considerations to be taken into account in judging and acting. Such a morality does not itself specify the particular ends to be sought in action; on the contrary, it presupposes and seeks to regulate the conduct of persons engaged in pursuing their own self-chosen ends".¹⁵

Nardin justifies the principle of "mutual accommodation" as

the only appropriate moral principle of international law, because it is the only means of promoting peaceful co-existence among states. "The common good of this inclusive community resides not in the ends that some, or at times most, of its members may wish collectively to pursue but in the values of justice, peace, security and co-existence, which can only be enjoyed through participation in a common body of authoritative practices".¹⁶

Nardin's basic assumption is that all states pursue divergent and conflicting goals in international society, therefore, it is only by recognising and accommodating these differences that international order is possible. Those who advocate a purposive international society "fail to offer any account of how the unity they postulate is to be reconciled with the actual diversity of ends that characterises our world".¹⁷ He argues it is only by acknowledging and protecting this diversity that order will be achieved. When certain states or individuals attempt to foist their ends upon international society by trying to enlist the co-operation of other states in pursuit of a common purpose, they "neglect to consider the implications, for their own proposals, of the fact that international society is distinguished from a state of extreme conflict not so much by the degree to which its members are moved to co-operate in the pursuit of common interests as by the degree to which they understand themselves to be members of a society bound by common rules, moved sometimes by common and sometimes by divergent interests".¹⁸

International law, thus interpreted, is an important mechanism for upholding the practical conception of international society. The primary source of international law is the actual behaviour of states in international society - the extent to

which, in pursuing their own goals, states adhere to certain constraints on their behaviour. Such constraints, which embody the principle of mutual accommodation, form the basis of their "practical association", and thereby provide the fundamental principles of international law. The role of international law is to uphold and strengthen the practical conception, by endorsing principles which recognise the rights of all states to pursue their own interests. International law is thus constituted "by the forms and procedures that states are obligated to observe in their transactions with one another".¹⁹

Although Nardin maintains that the source of international law is state practice and the morality of mutual accommodation is embodied in state practice, this interpretation does not resolve the problem of non-compliance by states. If states continually break the rules of international behaviour, at what point do the rules cease to be international law, given that the source of all international law is supposed to be state practice? Nardin argues that the judgements of international lawyers also provide a source of international law. "The reasonings favored by this community of professional custodians determine the character and development of international law..."²⁰ The interpretations of international lawyers should always reflect the practical conception, ie. the principle of mutual accommodation.

Although customary international law is a distillation of state practice, the interpretation of what constitutes state practice belongs to a community of professional interpreters whose judgements, if unofficial, are nevertheless extremely influential.²¹

The sources of international law are nevertheless closely linked to the potential sources of law enforcement in that the

legitimacy of international law ultimately rests upon state practice - customary international law. If the majority of states choose to disregard an authoritative determination, it is not incorporated in international law. Nardin likens the power of international law to a "natural language... based ultimately on the practice of its users. Like the rules of language, those of customary international law are not the outcome of particular decisions to create them, but rather the indirect consequence of innumerable and substantively motivated acts, decisions and policies".²²

The ultimate power of enforcement is the imperative that states often need to use conventional means of communication to pursue their goals. The power of international law rests on the assumption that no state can be exempt from the rule of law if it wishes to participate in international society. Nardin points out that in the modern states system, no state can be a successful autarchy, and all states appear to desire economic relationships with other states. So to some extent, states are invariably bound by the rules of international law.²³

International law thus requires no common authority to make determinations, because it is applied "by a variety of officials in a variety of forums, including those of states".²⁴ Nor does it require a common judge, because its validity is determined by general consensus.

The interpretations of law-applying officials, whether judicial or administrative, national or international, are... ultimately validated... through the collective judgement of the international community as it is reflected in the cumulative result of various non-binding reviews by statesmen, judges and legal commentators. If an interpretation of international law made in the handling of a particular dispute receives general support, its validity

as a part of general international law is thereby confirmed.

25

Yet as the only measure of enforcement is states' willingness to participate in the international system, the strength of international law depends on the extent to which states need to co-operate to pursue their goals.

International lawyers can attempt to strengthen the basis of existing international order, but ultimately, by Nardin's definition, the validity of international law depends upon state practice. The effectiveness of international law as a tool of international order thus depends on whether or not states choose to abide by authoritative practices to achieve their ends. If states choose to pursue their ends by non-cooperative means, for example, they are at liberty to do so.

By comparing authoritative practices with a "natural language", Nardin implies that all states are bound to adhere to authoritative practices if they wish to pursue their goals. In everyday matters, authoritative practices, such as the rules governing transport and communication between states, facilitate the state's pursuit of its interests. In circumstances where authoritative practices have an immediate utility, in the rules of diplomacy, communications and so on, states use the practices to achieve ends which would be more difficult to achieve by other means. There is little evidence, however, of states' willingness to accept restraints on their actions which would impede the achievement of their goals even when such restraints embody the "morality of mutual accommodation" which recognises other states' rights. Given that Nardin recognises states' fundamental right to pursue their own goals, no state is bound by authoritative

constraints unless it volunteers to do so.

The practical conception of international society therefore does not depict a voluntary "morality" of state practice, in that states can only be expected to adhere to authoritative practices when it suits their own purposes. The practical conception recognises that if a state can achieve its goals by means which override other states' rights to mutual accommodation, it is at liberty to do so, free of any constraints from international law.

Recognition of state's rights within Nardin's practical conception of international order, and the embodiment of states' rights in international law, would thus seem to provide minimal protection of individual rights. If states choose not to be moral, ie. to act outside the authoritative practices based on a the morality of mutual accommodation, neither states' rights, nor individuals' rights are likely to be respected. Nevertheless Nardin argues that international law also has the capacity to recognise and accommodate principles which respect human rights.²⁶

2.3 International Law and Human Rights

As international law only respects the rights of states, distilled "from the common practices of the society of states, expressing more precisely and explicitly the terms of association embodied in them",²⁷ the rights of individuals would appear to be respected only as a bi-product of orderly relations among states.

However Nardin argues that human rights principles can be given effect in the practical conception of international law.

The moral element in international law is to be found in those general principles of international association that constitute customary international law... such as the ones specifying the rights of independence, legal equality, and self-defence, and the duties to observe treaties, to respect the immunity of ambassadors, to refrain from aggression, to conduct hostilities in war in accordance with the laws of war, to respect human rights, and to co-operate in the peaceful settlement of disputes.. 28

Nardin also argues that international law "applies" to individuals as well as to states. "Although it is true that for the most part international law applies to the conduct of states, it does in some circumstances apply to the conduct of individuals. It includes, on the one hand, principles of responsibility that bring the conduct of individuals directly under international law..."²⁹ He cites examples from the past as piracy and crimes of war, and claims that more recently international law, "has been moving in the direction of setting minimum standards for the treatment of individuals by states, and thus toward the direct recognition and protection of individual or...'human' rights".³⁰

The above statements would seem at variance with Nardin's thesis that the source and validity of international law should be the practice of states, that interpretations of international law should only reflect the practical conception of international society, and that enforcement of legal principles should be voluntary on the part of states. However Nardin argues the rights of individuals are respected within the international legal system in four different ways.

First, Nardin argues, the rights of individuals are respected indirectly by recognising the rights of states. "The principles of state sovereignty and non-intervention reflect the consideration that, in a world organised as a society of states,

individuals have rights largely as members of a political community - that is, as citizens of a states".³¹

Second, respect for states' rights implies respect for human rights. The international "morality of accommodation" reflects values of pluralism which can be equated with individual liberty. "International law therefore expresses a concern for individual liberty not only insofar as the states whose integrity is preserved by adherence to the principle of non-intervention are those in which individual liberty can flourish but because it reinforces global pluralism".³²

Third, Nardin argues that international law recognises the rights of individuals by "placing limits on state sovereignty and by permitting foreign intervention in circumstances in which this liberty is gravely threatened",³³ citing genocide as one type of situation which "has long been recognised as justifying foreign concern and action".³⁴

Fourth, acknowledging that the principles of states' rights and human rights are essentially contradictory, Nardin sees "no reason why the regime of international rules conferring rights on individuals might not be greatly augmented within the framework of the society of states and international law as we know it".³⁵ He envisages this as a problem of definition, whereby if less weight were given to the principle of non-intervention and more weight to the principle of individual rights, the resultant re-distribution would afford more rights to the individual at the expense of "further restrictions on the traditional sovereign powers of states".³³

Only the first of these points - that individuals possess rights as members of states - is consistent with Nardin's conception of customary international law. The remaining three contradict Nardin's thesis that the source of all law is the practice of states.

Nardin clearly identified the source and validity of international law as the customary practices of states. Even if respect for human rights could be written into international law by reducing the rights of states, as Nardin suggests, he fails to show how such a re-definition could take effect, given that international law embodies state practice. Should international lawyers take on the task of re-defining states rights vis a vis human rights, by Nardin's own definition, such determinations are not valid unless they endorse the principle of every state's right to pursue its own ends, and are ratified by state practice.

While states may be capable of moral action, as Nardin suggests, they have not, as yet, shown any indication of accepting restraints on their behaviour, either in regard other states or in regard to individuals, unless it serves their own interests. Nardin supplies no evidence to support his contention that the principle of non-intervention is being modified in favour of recognition of human rights. The opposite would seem to be true, judging from the statements and behaviour of states, and the widespread rhetorical endorsement of the principle of non-intervention. In practice, while state-sponsored interventions may be justifiable on humanitarian grounds, the states to intervene would always attract criticism for having ulterior motives, a factor consistent with Nardin's expectation that states will only support principles of law which facilitate the pursuit

of their self-interest.³⁷

Thus Nardin's first argument that individual's rights can be respected indirectly, by protecting the rights of states, is the only valid interpretation of his thesis that individual justice will be served by the practical conception of international order. Human rights can only be promoted if the values of "peace, justice, protected liberty and guaranteed rights"³⁸ are upheld by state practice.

2.4 The Limitations of the Practical Conception

Nardin fails to demonstrate why we should expect the state to accept restraints which do not serve its own interests. While his description of international society as a practical association implies a voluntary morality on the part of states who are willing to accept constraints on their activities, he neglects to examine the circumstances under which states choose to comply with authoritative practices. He therefore escapes having to distinguish between authoritative practices which are utilitarian in nature and assist states achieve their goals, and other restraints upon state behaviour which do not serve a state's interests. There would appear to be no indication of the latter form of voluntary self-restraint influencing state practice, regardless of whether the restraints recognise the rights of states or the rights of individuals.

The authoritative practices "constraining" state behaviour only work if a state is pursuing certain interests, like economic or diplomatic goals, which require mutual co-operation for their success. If a state considers these interests would be better

served by other means, like war, for instance, the basis for mutual co-operation breaks down, and any bi-products like "peace, justice, protected liberty and guaranteed rights" disappear along with it.³⁹

Nardin's conception of international relations as a practical association attempts to marry a principle which recognises a state's right to pursue its own interest, with a principle of "mutual accommodation" that says states should respect other states' rights to do the same. The only means of reconciling these two contradictory principles is to imply that states will voluntarily accept restraints on their own actions to respect the rights of other states.⁴⁰ Nardin assumes the existence of such a "morality of mutual accommodation" in state practice to underpin his argument that international law should only reflect state practice.

The potential of international law to defend either the morality of mutual accommodation or human rights is limited by the fact that international law is not binding upon states. This situation is not improved by Nardin's advocacy that international law should only embody principles which recognise states' rights. The authoritative practices which Nardin depicts as the embodiment of an international morality, are merely functional mechanisms to facilitate the state's pursuit of self-interest. Whether or not the international legal order derives from the practices of states, individual rights are only recognised in the context of states' rights, and states' rights are subordinated to the principle of un-restrained self-interest.

In arguing that recognition of authoritative practices

serves the goal of peaceful coexistence, Nardin fails to point out that coexistence is not a substitute for war or confrontation, but merely another means by which states can achieve their ends. In international society, both conflict and co-operation are alternate means to the same end - a state's pursuit of its own interest. A state is free to choose which method it adopts, and while the actions of weaker states may be confined to the co-operative mechanisms available to them, power will always be used to facilitate the pursuit of the goals of states which are strong enough to deploy it.

The basic flaw in Nardin's practical conception of international society comes from his attempt to argue that a state's pursuit of self-interest can serve a higher principle of justice, ie. the "morality of mutual accommodation". Nardin insists that the basis of all law should be the the authoritative practices of states. But although the number of authoritative practices governing the relations between states increases every day, their existence does not imply anything more than cooperation on a functional level.

Like road rules, authoritative practices have developed from a few simple guidelines to a complex web of procedures, but they were never intended to serve anything other than a utilitarian purpose. By adhering to authoritative practices, states need not recognise any principle other than the goal of self-interest and Nardin fails to demonstrate how recognition of the state's right to pursue its own interests amounts to moral conduct in world affairs.

NOTES - CHAPTER TWO

1. Nardin, T. Law, Morality, and the Relations of States. Princeton University Press, 1983. p. xi

2. ibid. p. 8
3. ibid. p. 5
4. ibid. p. x
5. ibid. pp.1-2
6. ibid. p. 16
7. ibid. p. 23
8. ibid.
9. ibid. p. 23
10. ibid. p. 110
11. ibid. p. 23
12. ibid. p.9
13. ibid. p. 263
14. ibid. p. 11
15. ibid. p. 232
16. ibid. p. 19
17. ibid. p. 24
18. ibid. p. 24
19. ibid. pp. 15-16
20. ibid. p. 174
21. ibid. p. 173
22. ibid. p. 166
23. ibid. pp. 132-133
24. ibid. p. 165
25. ibid. pp. 165-166
26. ibid. p. 232
27. ibid. p. 187
28. ibid. p. 233

29. ibid. p. 235
30. ibid.
31. ibid. p. 238
32. ibid. pp. 238-239
33. ibid. p. 239
34. ibid.
35. ibid. p. 275
36. ibid.
37. Vincent, R.J. Non-intervention and International Order,
Princeton University Press, 1974. p. 308
38. Nardin, op. cit. p. 18
39. ibid.
40. ibid. p. 236

CHAPTER THREE

A COSMOPOLITAN CONCEPTION OF WORLD ORDER

In Political Theory and International Relations, Charles Beitz aims to demonstrate the flaws in the realist conception of international relations as a state of nature, and "to lay the groundwork for a more satisfactory normative theory of international relations."¹ The basis for Beitz's normative theory is his observation that international society is now sufficiently similar to domestic political society (and dissimilar from a state of nature) that principles of distributive justice should be incorporated into international theory. However, in developing this normative theory, Beitz does not depart significantly from the states' rights thesis, merely contending that a state's right to autonomy should be linked to the extent to which its institutions conform to appropriate principles of domestic justice, and that states have the right to receive distributive justice from other states.

Beitz's approach differs from Bull's and Nardin's in that it does not profess to be an "objective" description of events, but the basis of a new normative theory. He approaches this task by first "justifying" his principles in philosophical terms, and then using their philosophical "rationality", to prove their relevance to international practice.

Beitz justifies his conception of world order in two ways: by examining the analogy between international relations and the Hobbesian state of nature; and by supporting his conclusions with observations about the nature of the international environment.

Finally, he argues for the incorporation of these principles into state practice, both as a means by which we can judge a state's actions and as a means of changing state behaviour. Later in this chapter I will discuss the process by which Beitz believes this incorporation can take place.

3.1 The Moral State

In the first part of his book, Beitz seeks to establish that the state has the potential to be moral, ie. capable of exercising the self-restraint necessary to adhere to a code of conduct based on agreed principles.

Beitz begins by offering a critique of "realist scepticism" among international relations theorists who, he claims, deny the possibility of morality in international relations because of international society's resemblance to a Hobbesian state of nature. He sees the realist position as one that argues that in the absence of a common power, states are forced to act amorally because there is no expectation of reciprocal compliance in a state of nature. Such an assumption lends itself to the argument, often voiced by Morgenthau, that states are obliged, by the very nature of the international system, to act according to self-interest in their dealings with one another. Beitz seeks to refute this analogy and establish instead, that "the appropriate analogue of individual autonomy in the international realm is not a natural autonomy but conformity of a society's political and economic institutions with appropriate principles of justice."²

The first argument Beitz offers against realist scepticism is to point out that realists have misinterpreted Hobbes' state of

nature as a situation which is incapable of sustaining moral life. According to Hobbes, "while there are moral principles or laws of nature in the state of nature, they do not bind to action in the absence of a common power".³ Thus the international sceptic is able to claim "that it is irrational (for a state) to adhere to moral rules in the absence of a reliable expectation that others will do the same".⁴ Beitz argues against this by saying morality is not absent in Hobbes' conception of a state of nature, because individuals in Hobbes' state of nature still have the inclination to make and observe covenants, thus showing some respect for principles of justice.⁵ Beitz therefore concludes that the state has a capacity for moral action, which goes unrecognised by adherents of the realist tradition.

The use of the state of nature analogy by international relations theorists is an attempt to show that while states and individuals are essentially different, when placed in a situation where there is no common power, states are likely to act in a similar way to how individuals would be expected to act in a state of nature. However to say that in the absence of a common power, groups of individuals and groups of states are likely to act in a similar way, is not to say that the individual and the state have essential characteristics in common.

Beitz provides additional support for his argument by observing that membership of the system of states has the capacity to influence a state's behaviour. External influences thus have the potential to force a state to behave in a moral way, regardless of the state's own preferences. To illustrate this point, Beitz offers four examples of the external influences upon a state's behaviour.

First, the presence of transnational organisations has the potential to influence a state's decisions. Beitz points out that while individuals are the sole actors in a state of nature, states are not the only actors in international society.

The view that states are the only actors in international relations... denies the possibility that transnational associations of persons might have common interests that would motivate them to exert pressures for cooperation on their respective national governments. ⁶¹

While Beitz stops short of claiming that transnational organisations are prime movers in international relations, he does claim that they compete with states and implies that their interests may conflict with the interests of states. "Two important examples of politically effective transnational groups are multinational corporations and informal, transnational groups of middle-level bureaucrats. In each case, although to very different extents, it is clear that transnationally shared interests have sometimes led to substantial pressures on government foreign policy decisions."⁷

The second external factor with the potential to influence a state's actions is the presence of stronger states. Beitz holds this up as another difference between individuals in a Hobbesian state of nature and states in international society.⁸ Hobbes saw the fact that all individuals were relatively equal, in the sense that the weakest could kill the strongest in his sleep, as contributing to the uncertainty of a state of nature. In international relations, however, "it seems clear that this condition is not met; there are vast disparities in relative

levels of national power".⁹ Beitz argues that the inequality of states at least confers the ability upon certain powers to play a moral role if they so desire. While the inequality of power "may be enough to show that compliance with moral rules is irrational for any state... it is not enough to say that some states (the strong ones) do not have obligations to try to change the rules of the international game so as to render compliance with moral rules more rational".¹⁰

The third influence upon states is economic interdependence. Unlike individuals in a state of nature, states can be autonomous in their dealings with one another to only a limited extent. Beitz says the effect of international trade has reduced the extent to which states can play out their conflicts without it affecting their own interests. "...the success of states in meeting domestic economic goals (e.g. full employment, control of inflation, balanced economic growth) requires substantially higher levels of cooperation among governments than has been the case in the past".¹¹ He cites common institutions like the International Monetary Fund and the General Agreement on Tariffs and Trade as examples of institutions which "require stable environmental conditions for their operation and a measure of consensual support, at least from their more significant members".¹²

The fourth influence upon states is the possibility of sanctions imposed by the international community. While individuals in a state of nature have "no reliable expectations of reciprocal compliance by the actors with rules of cooperation in the absence of a superior power capable of enforcing these rules",¹³ Beitz points out the system of states possesses the means of exacting compliance to rules in the absence of an

international police force. "These range from such mild sanctions as community disapproval and censure by international organisations to coordinated policies of economic embargoes of offending states".¹⁴ In addition, a high level of voluntary compliance takes place in spheres like international communications, regional trade organisations and military alliances.¹⁵

These four features of international society - the presence of multinational actors, the inequality of states, economic interdependence, and systemic mechanisms to enforce compliance - thus render it possible that a state's actions are not determined in a vacuum. As these four features combine to render the society of states more complex than realists would make out, Beitz therefore concludes that in the absence of a state's morality, it is possible for external influences to force a state to be moral.

Beitz thus claims to have demonstrated two things about the state: first, the state has the capacity for moral action, and second, external influences have the capacity to make the state act in a moral way.

Beitz sees this discovery as having both "analytical and normative importance" for the discipline of international relations. Analytically, he says it provides sufficient reason for theorists to refute the simplistic assumption that states operate in a state of nature wherein the major problem is war,¹⁶ and that its normative importance lies in undermining the assumption that states can only be expected to act in their own interests.

Beitz sees the existing "norms" of international relations as implying that states can only be expected to act in their own self-interest, and that in the absence of expectations of reciprocal compliance in a state of nature, it is always in the state's self-interest to go to war. "The prescriptive use of the state of nature provides the grounds for inferring that this is a reason not to comply with the laws of nature unless the compliance of everyone else can be assured".¹⁷

In demonstrating that international society is not a state of perpetual anarchy, Beitz disputes the idea that international relations is a permanent state of war, and points out that inter-state conflict can be resolved without resorting to war. But Beitz's observation of the external influences upon states has not disproven the assumption that states act in their own self-interest. Beitz has merely shown that a number of factors may influence a state's determination of where its interests lie, and that its interests may be realised by avoiding outright conflict.

States have the capacity to act morally in the same way they have the capacity for any type of action, but to argue that states possess this capacity is not to say that they will use it. Beitz introduces his own theory about how states will eventually become moral in the third part of his book which I will discuss later in this chapter. In Part two of his book Beitz is concerned to develop further his normative theory of international relations by overturning what he considers to be the two "old" norms of international theory: the principle of state autonomy; and "the absence of any principle of international distributive justice".¹⁸ He comes to the conclusion that the principle of state autonomy is not valid (at least not in every case) and that the principle of

distributive justice has a place in international theory.

3.2 Critique of the Principle of State Autonomy

Beitz criticises the philosophical justification of the principle of state autonomy, by pointing out that states, unlike individuals, do not have a right to self-preservation. Beitz notes that the state cannot be considered a moral entity: "states... do not think or will or act in pursuit of ends; only people (or perhaps sentient beings), alone or in groups, do these things".¹⁹

The only possible way states could justify their right to autonomy would be if that right is derived from the rights of individuals within a state's boundaries. "The Hobbesian view invites a justification of international principles in terms of the interests of states; but, even if Hobbes' metaethics were accepted, it is the interests of persons that are fundamental, and 'national interests' are relevant to the justification of international principles only to the extent that they are derived from the interests of persons".²⁰

While a state's right to self-preservation might be justified if it is "based directly on its individual members' rights of self-preservation... (t)he presumed right is less acceptable when it is not lives but a state's territorial integrity that is at stake".²¹ Beitz argues that since people often survive changes in national boundaries, or even changes in government, the state has no right to self-preservation unless it is derived directly from the individual's right to self-preservation.²² Thus when "national survival" means more than

individual self-preservation, such as the protection of economic interests, for instance, the Hobbesian analogy is insufficient to explain the appropriate normative principles for state behaviour.

Beitz argues that the state's right to moral autonomy cannot be justified either by the analogy of the moral autonomy of individuals, nor by political theories of consent which infer that "civil government is a special case of freedom of association".²³ The state is neither an organic whole, as the domestic analogy infers, nor a free association of individuals, as consent theory would suggest. The only way for a state to be considered moral, Beitz suggests, is for its institutions to conform with "appropriate principles of domestic justice".²⁴

Following on from this, Beitz argues that claims for self-determination or economic independence are only valid when framed in terms of justice. For example, when a group of individuals claim the right to self-determination from colonial rule, intervention on their behalf would only be justifiable on the grounds that colonial rule is unjust, not on the grounds of a right to self-determination.²⁵ In view of the artificiality of state boundaries and the legitimacy of multi-culturalism, commonality of race, tribe, religion or culture is not sufficient to justify a claim for self-determination.²⁶ While Beitz admits that some claims for self-determination may warrant intervention on justice grounds, further "empirical research" is required to determine the best political structure for assimilating the needs of those who perceive themselves as outsiders in the political process, in order to "identify those kinds of cases in which claims of self-determination could be justified".²⁷

Arguments against economic dependence must also be justified in terms of justice principles, rather than the principle of national autonomy, because the moral objection to economic dependence is more likely to spring from the absence of "fair participatory institutions" in a satellite state than from the fact of economic dependence.²⁸

Beitz sees the implications of the principle of state autonomy for international relations as twofold: first it provides a justification for the principle of non-intervention; and second, it denies the existence of any principles of distributive justice in international relations.²⁹ Beitz therefore attempts to "apply" his new principle of state autonomy, by first re-assessing the blanket principle of non-intervention, which upholds a state's right to autonomy regardless of other principles, and second, by justifying a principle of international distributive justice.

In applying a modified principle of non-intervention to international relations, Beitz immediately encounters the problem of state compliance. The apparent danger in undermining the principle of state autonomy, is that it implies that a state would have the right to intervene in another state's affairs on the pretext that it is restoring justice. Appreciating the implication that a modified principle of non-intervention is open to abuse by states, Beitz outlines a principle of "permissible intervention" which attempts to accommodate the fact that states rarely act in accordance with moral principles unless the outcome will serve their own interests. As a result, Beitz offers a set of "permissible intervention" criteria that are so stringent that he ends up supporting the principle of autonomy, at least until states cease to act in their own interests.

To guard against the possibility of paternalism on the part of powerful states towards weaker states, Beitz declares an act of intervention to be permissible only when the target state is unjust, and when it is not "likely to become just if left free from external interference".³⁰ If there is no possibility that the target state will become just, an act of intervention is only permissible when it conforms to three more criteria:

1. it must promote justice and not be a self-serving action on the part of the intervening agent;
2. it must not run afoul of other relevant moral constraints on political action; and
3. it must not be too costly in terms of the other goals of international relations.³¹

Beitz claims to have established a new normative principle for international relations - that a state's right to autonomy should rest upon the conformity of its domestic institutions with appropriate principles of justice. While Beitz claims this principle has implications for the blanket application of the principle of non-intervention - "The non-intervention principle cannot be interpreted properly without considering the justice of the institutions of the states involved in particular instances of (potential) intervention"³² - until states become capable of acting in other than in their own interests, no act of intervention could be justified under Beitz's criteria.

A further endorsement of the state autonomy principle in Beitz's thesis is his implied support for the relativity of principles of justice. In concluding that "the analogue of the moral autonomy of persons, at the level of states, is a state's

conformity with appropriate principles of domestic justice",³³ Beitz notes "it is possible that different principles of justice may apply to different types of societies in view of variations, e.g., in levels of socioeconomic development".³⁴

Beitz's tacit support for the principle of state autonomy is developed further in the third section of his book, which seeks to dispose of another realist assumption: that the system of states is inhospitable to the notion of distributive justice.

3.3 International Distributive Justice

Beitz is concerned to justify a concept of international distributive justice (ie. a distributive principle for states), not a concept of distributive justice based on individual rights. Thus the basic thrust of Beitz's principle of international distributive justice is that residents of affluent states have obligations towards residents of less affluent states.³⁵ A fundamental contradiction in Beitz's theory is his insistence that distributive justice should be carried out on a state-to-state basis, in spite of the fact that he justifies his "global distributive principle" by arguing the declining significance of the state. In establishing that individuals should have obligations towards individuals in other states, Beitz employs a re-interpretation of Rawls' principle of distributive justice.

Beitz sees the realists' denial of the relevance of international distributive justice as a further symptom of the inappropriate application of the Hobbesian analogy. Instead, he claims that contractarian ideas of justice, which rest on a common community of acceptance, are now relevant to world politics: "a

strong case can be made on contractarian grounds that persons of diverse citizenship have distributive obligations to one another analogous to those of citizens of the same state".³⁶ To justify his principle of international distributive justice, Beitz reiterates the argument "that international relations is coming more and more to resemble domestic society in several respects relevant to the justification of principles of (domestic) social justice".³⁷

He then uses the argument of interdependence to criticise John Rawls' assumption that distributive justice can only occur within state boundaries, arguing instead for its conversion to an international principle of distributive justice.

Beitz's "application" of Rawls theory to international relations is simply to dispute Rawls' contention that principles of distributive justice can only be applied within the political context of the state. Instead, Beitz argues they should be used to judge the effectiveness of institutions, not just governments. Again, Beitz does not say how Rawls' principles could be "applied" to international relations, merely arguing their philosophical relevance to international theory.

Rawls' theory of justice is based on two principles, upon which if persons were living under a hypothetical "veil of ignorance" about their life circumstances and social position, they would all be likely to agree: that "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all"; and that "social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit to the least

advantaged, consistent with the just savings principle (the 'difference principle'); and (b) attached to offices and positions open to all under conditions of fair equality of opportunity." 38

Beitz accepts the validity of these principles but criticises Rawls for having an unnecessarily narrow view of how they should be implemented. While Rawls thinks a social contract arrangement within a state is required to implement distributive justice, Beitz thinks it would better if it were taken to mean that "the requirements of justice apply to institutions and practices (whether or not they are genuinely co-operative) in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place".³⁹

Beitz reiterates observations about international society which he sees as justifying the appropriateness of considerations of justice to international theory. First, he says Rawls was mistaken in assuming that state boundaries formed discrete societies within which contractarian principles could apply, and argues that the interdependence of states means that states are no longer autonomous units. Instead, he argues the state should be seen merely as a group of institutions and practices, in which case, a modified version of Rawls' theory would apply.⁴⁰

A second criticism of Rawls' theory is that Rawls overlooks the fact of the unequal distribution of natural resources among states. Unlike human talents, for instance, natural resources are not "given" by the nature of things, but must be appropriated. Therefore anyone's decision to appropriate natural resources warrants a justification. "In a world of scarcity... (t)he

appropriation of valuable resources by some will leave others comparatively, and perhaps fatally, disadvantaged. Those deprived without justification of scarce resources needed to sustain and enhance their lives might well press claims to equitable shares".⁴¹

Economic interdependence among states further exacerbates the ill-effects of an unequal distribution of resources. Factors which are the inevitable result of interdependence, like the power of multinational corporations, the vulnerability of resource-poor countries, the difficulty of keeping control of one's domestic economy and the concentration of power in the hands of ruling elites, all serve to widen the income gap between rich and poor countries, "even though it produces absolute gains for almost all of them".⁴² Therefore, because interdependence produces "significant aggregate benefits and costs that would not exist if states were economically autarkic"⁴³ we should not let state boundaries get in the way of applying a global principle of distributive justice.

Beitz's principle of global distributive justice supposedly applies to persons, not states, "in the sense that it is the globally least advantaged representative person (or group of persons) whose position is to be maximised".⁴⁴ Therefore "if one takes the position of the least - advantaged group as an index of distributive justice, there is no a priori reason to think that the membership of this group will be coextensive with that of any existing state".⁴⁵

Beitz's theory is premised on the assumption that the state is declining as a political force in international relations thus

rendering international relations more like domestic political society, and thereby more receptive to principles of global distributive justice. Although Beitz's justification for international distributive justice is based on the observation that the influence of the state is declining, he endorses the state as the mechanism through which a global distributive principle will be given effect. Beitz recognises the contradiction in his argument and says that although states may not qualify as recipients of global distributive principles in theory, they are, nevertheless, "the primary 'subjects' of international distributive responsibilities", and as such, "...are more appropriately situated than individual persons to carry out whatever policies are required to implement global principles".⁴⁶

Beitz recognises that reliance on states as a mechanism to give effect to global distributive justice may distort the application of the global principle and mitigate against individuals receiving their rightful share. It is therefore important for "intrastate inequalities to be minimised... to maximise the position of the (globally) least advantaged group".⁴⁷ Nevertheless he maintains that "perhaps intercountry redistribution should be viewed as a second-best solution in the absence of a better strategy for satisfying a global difference principle".⁴⁸

So how does the state become sufficiently moral to put Beitz's distributive principles into practice? His argument that a global distributive principle should be incorporated into state practice, and that states have the potential to be moral does not alter the fact that states appear more keen to pursue their own interests than to defend principles of distributive justice.

3.4 Realising the Ideal in a Non-Ideal World

Beitz tries to overcome the problem of realising the ideal in international theory in three ways: first, by comparing the transition to an ideal society with the transition from a Hobbesian state of nature; second by postulating a Kantian theory of change about the role of ideal theory in a non-ideal world; and third, by arguing that moral ideas have a persuasive force.

Beitz admits that the problem of "realising the ideal" in international relations may be more difficult than in a domestic political context "because the institutional framework of international relations is less capable of bringing about the shifts in the distribution of wealth and power required by the global difference principle."⁴⁹ However he argues that this problem of "the absence of reliable expectations of reciprocal compliance"⁵⁰ in international relations is mitigated by other factors specific to the international context which could work in favour of changes taking effect.

Beitz highlights these features by comparing the current international situation to³ situation prevailing in Hobbes' state of nature, showing that more assurances of reciprocal compliance of available now than were available at the time man made his transition from the state of nature:

1. The risks of voluntary compliance are not as severe as they would be in a state of nature - one is risking only relative deprivation rather than death for supporting moral principles;
2. "there are greater possibilities of co-ordination in international society than in a state of nature. The assurance

problem is more easily solved.";

3. the variety of international institutions already in existence "can be adjusted to improve the justice of the distribution they produce, while the state of nature lacks analogous institutions bearing on personal security".⁵¹

This tells us nothing about the prospects for change in international relations, not least because it portrays the original contract as an historical event, against which current events can be compared, and secondly because it employs the "prescriptive" reasoning for which Beitz so roundly criticises the realists. As Kant pointed out, the original contract is a mere "idea of reason" which has practical implications for the justification we give to framing laws, but no significance as a fact in itself.⁵² "Such an assumption would mean that we would have first to prove from history that some nation, whose rights and obligations have been passed down to us, did in fact perform such an act, and handed down some authentic record or legal instrument... before we could regard ourselves as bound by a pre-existing civil constitution".⁵³

At best Beitz is implying that interdependence among states facilitates a sense of "world community" less hostile to principles of justice. Against those who argue that international society is hostile to the persuasive force of moral ideals, Beitz argues they "misunderstand the relation between ideal theory and the real world".⁵⁴ "The ideal cannot be undermined simply by pointing out that it cannot be achieved at present".⁵⁵ Beitz claims there are only two classes of impediments to the realisation of an ideal: "impediments... that are themselves capable of modification over time" and

"impediments that are unalterable and unavoidable".⁵⁶ Only in the latter case can one "appeal to the claim of impossibility in arguing against an ideal, since, in the former case, such an argument can be defeated by pointing out the mutability of those social facts that are supposed to render the ideal unattainable in the present".⁵⁷

Beitz therefore claims that the fact that international society does not yet resemble domestic society in the important areas of possessing a common power or a sense of community, is simply an "impediment to implementation of a global difference principle which are capable of modification over time".⁵⁸

Beitz argues that his moral ideas will have a persuasive force in international politics by citing Kant's maxim that "...the idea that something which has hitherto been unsuccessful will never be successful does not justify anyone in abandoning even a pragmatic or technical aim... This applies even to moral aims, which, so long as it is not demonstrably impossible to fulfil them, amount to duties".⁵⁹ Thus Beitz assures us, like Bull and Nardin, that the state will accept moral responsibility in world affairs and is capable of carrying out "duties" in international society even when such duties do not serve its own interests.

Beitz claims his ideal theory has several valid applications to the "nonideal world" in the sense that ideals provide both "a goal toward which efforts at political change should aim"⁶⁰ and a justification for global redistribution in the face of statist concerns.⁶¹

The "practical consequences" of these theoretical aims, include "strengthen(ing) the moral case for foreign aid".⁶² While Beitz recognises the state to state mechanism of giving aid does not necessarily ensure that aid gets to "the least advantaged person whose position is to be maximised", he says "second-best policies are usually better than none".⁶³ At best, in countries where "extreme poverty is partially a result of large domestic income inequalities, pressure should be brought if possible for changes in policy or structural reforms aimed at reducing income inequalities".⁶⁴

The global difference principle should also have practical implications for the reform of the international economic order and rules governing international trade should be adjusted "to promote re-distribution toward poor countries" (eg. prohibit restrictive tariffs and so on)⁶⁵

A third practical application of the global difference principle is that conscientious objectors who refuse to join their state's armed forces "would have far broader justifications" for doing so, particularly in the case of a war being waged by an affluent nation against a poor one. ⁶⁶

While Beitz provides a novel philosophical justification for a principle of global distributive justice, his analysis suffers from a failure to examine the possible causes of injustice in the society of states. While at various stages of his analysis, Beitz acknowledges the many state-based impediments to effecting just change in international society, his theory ignores the realities of state power, except when he tries to accommodate it in his criteria of permissible intervention.

Beitz's critique of the principle of state autonomy would have the potential to undermine the prevailing states-rights arguments were it not for the fact that Beitz's own approach is hamstrung by a statist perspective. By attempting to reconcile states' rights with the rights of individuals in a principle of global distributive justice which nevertheless recognises states as the primary objects of distributive justice, Beitz fails to address the enormous impediment to the realisation of principles of justice which is posed by the state.

NOTES - CHAPTER THREE

1. Beitz, C.R. Political Theory and International Relations.
Princeton University Press, 1979. p.6
2. ibid. p. 8
3. ibid. p.31
4. ibid. p. 32
5. ibid. p. 30
6. ibid. p. 38
7. ibid. p. 39
8. ibid. p. 40
9. ibid. p. 41
10. ibid. p. 42
11. ibid. p. 43
12. ibid. p. 44
13. ibid. p. 36
14. ibid. pp. 46-47
15. ibid. p. 47
16. ibid. p. 49
17. ibid. p. 51
18. ibid. pp. 65-66
19. ibid. p. 76
20. ibid. p. 64
21. ibid. p. 52
22. ibid.
23. ibid. p. 80
24. ibid. pp. 80-81
25. ibid. p. 104
26. ibid. p. 112
27. ibid. p. 115
28. ibid. p. 112

29. ibid. pp. 65-66
30. ibid. p. 91
31. ibid. p. 92
32. ibid. p. 121
33. ibid. pp. 80-81
34. ibid. p. 81 ff
35. ibid. p. 128
36. ibid.
37. ibid.
38. ibid.
39. ibid. p. 131
40. ibid. p. 136
41. ibid. p. 139
42. ibid. pp. 145-148
43. ibid. p. 152
44. ibid.
45. ibid. p. 153
46. ibid.
47. ibid.
48. ibid.
49. ibid. p. 158
50. ibid. p. 159
51. ibid.

52. Kant, E. "On the Common Saying: this may be true in theory, but it does not apply in practice", in Kant's Political Writings edited by Hans Reiss. Cambridge University Press, 1970. p. 79

53. ibid.
54. Beitz, op. cit. p. 156
55. ibid.
56. ibid.

- 57. ibid.
- 58. ibid.
- 59. ibid. ff
- 60. ibid. p. 170
- 61. ibid. p. 172
- 62. ibid. p. 173
- 63. ibid.
- 64. ibid.
- 65. ibid. pp. 174-175
- 66. ibid. p. 175

CHAPTER FOUR

THE STATE IN INTERNATIONAL THEORY

"The starting point of international relations is the existence of states, or independent political communities, each of which possess a government and asserts sovereignty in relation to a particular portion of the earth's surface and a particular segment of the human population ...states assert, in relation to this territory and population, what may be called internal sovereignty, which means supremacy over all other authorities within that territory and population ...(and) ...external sovereignty, by which is meant... independence of outside authorities. 1

In the previous chapters, I examined the attempts of three international relations theorists to justify their conceptions of world order. While each author would claim to have a different approach to the question of order in international theory, once the contradictions in their arguments are exposed, a common element appears in their expectations of the state. Bull sees international stability resulting from the leadership of the Great Powers; Nardin's prescription for world order rests on customary international law; and Beitz is optimistic about the evolution of a more co-operative and communicative states system.

While the state is recognised as a fundamental unit of world order, Bull, Nardin and Beitz see the state's right to sovereignty as essential to the maintenance of order among states.² This is based on the assumption that states adhere to an international code of conduct which respects the right of all states to sovereignty over their internal population and external affairs. In the absence of a supreme authority over states, Bull and Nardin imply that states can only be expected to adhere to a code of conduct which affirms their own right to exist.³ This code of conduct does not therefore impose the level of restraint upon

states that is imposed upon individuals within a domestic political order. A state is entitled to pursue its own ends, "as long as it does not interfere with the equal rights of others".⁴

Implicit in this defence of the principle of state sovereignty is the argument that the state's right to autonomy overrides any claims by individuals against it. Nevertheless Bull, Nardin and Beitz maintain that upholding the principle of state sovereignty is not at variance with promoting the common good. They do not claim that the principle of state sovereignty can be reconciled with the principle of individual rights. Rather they imply that an order based on respecting states' rights will ultimately benefit individuals because maximising orderly relations among states minimises international conflict thus enabling human societies to prosper without the constant threat of war.

This conception of world order contains two fundamental assumptions about the state which will be explored below. The first assumption relates to the relationship between the state and the individual, depicting the state as a representative institution capable of promoting the common good. The idea that individuals should make no claims outside of the state implies that their needs are recognised by some form of social contract with a sovereign power, or that values are so culturally relative that conceptions about what constitutes the common good differ substantially from one state to the next.

The second assumption relates to the state in international society, in that the state is expected to be a voluntary actor in world affairs, capable of accepting the "rules" of an

international "code of conduct" and carrying out its "duty" to respect the rights of other states. In defining the principles of this "code of conduct" Bull, Nardin and Beitz assume that the principle of state sovereignty is a fundamental principle of international behaviour in that states can only be expected to respect a principle which affirms their right to exist.

4.1 The Representative State

Nardin claims that recognising the principle of state sovereignty reflects the consideration that "individuals have rights largely as members of a political community - that is, as citizens of states".⁵ Bull also asserts that the rights of individuals can only be addressed within states and represented by states in the international arena. The views of "private individuals", Bull says, whether they be "self-appointed spokesmen" or representatives of non-government organisations, possess no "authority" in international relations because they "are not the outcome of any political process of the assertion and reconciliation of interests".⁶ He goes on to claim that "...the views of these individuals provide even less of an authoritative guide to the common good of mankind than do the views of the spokesman (sic) of sovereign states, even unrepresentative or tyrannical ones, which at least have claims to speak for some part of mankind larger than themselves".⁷

The idea that states afford individuals rights as members of a political community suggests that states are representative institutions and that sovereigns rule by popular consent. This idea of a social contract received its fullest and most original expression in the work of Thomas Hobbes.⁸ In Leviathan,

Hobbes argued that a sovereign ruler was obliged to promote the common good under the terms of an original covenant made between him and his subjects. According to Hobbes' theory of the social contract, sovereigns obtained their right to absolute power on the understanding that they would protect their subjects from the tyranny of a state of nature. The state of nature is the absence of order in human communities, where man lives under the constant threat of death from his fellow man, in a life that is "solitary, poore, nasty, brutish and short".⁹

Hobbes also granted individuals the right to rebel against their sovereign if he failed to keep up his side of the covenant, ie. in circumstances when the sovereign directly threatened the lives of his subjects when it was not in essential service to the state, or when he failed to maintain a sufficient degree of internal order to prevent society descending into a state of nature.¹⁰

The Obligation of subjects to the Sovereign, is understood to last as long, and no longer, that the power lasteth, by which he is able to protect them. For the right men have by Nature to protect themselves, when none else can protect¹¹ them, can by no covenant be relinquished.

The problem with assuming representative sovereignty is that sovereigns possess sources of power other than popular consent. Even in modern democracies where the "will of the people" is supposedly sovereign, the government, once formed and in charge of the machinery of state, constitutes a power separate from the people who helped to form it.

A fundamental advantage that the state possesses over the individuals within it is the power to define and legitimise the

political process. Beitz points out that the mere fact of apparent political consent does not render the state an organic whole, because, "few, if any, governments ... are, in fact, free associations".¹² States are very much "a fixed part of the social landscape into which people are born and within which all but the most fortunate are confined regardless of whether or not they expressly agree to their terms of association".¹³ Beitz dismisses the possibility that general compliance among a state's population is evidence of a form of tacit consent, since "institutions (of government) define the processes through which consent can or cannot be expressed".¹⁴

If a head of state chooses not to rely upon popular consent for its legitimacy, as head of state, a sovereign has access to alternate sources of power. Economic power, for example, enables a sovereign to amass private wealth from internal as well as external sources, including the receipt of overseas aid. In spite of the influence of transnational corporations, the head of state still possesses ultimate control over the distribution of economic resources within the state.¹⁵ Extreme inequalities in the distribution of resources within very poor states have been attributed, in part, to the tendency of ruling elites to accumulate resources at the expense of the mass of the population.¹⁶ A head of state also possesses the right to maintain a standing army, which while purportedly for external defence, is often used to quell internal dissent.¹⁷

Heads of state thus obtain legitimacy from a system of states which affords them political, economic, and military power. The assumption of representative sovereignty in international theory is based on an extremely narrow view of the state which

ignores the complexities of state power and the increasingly limited extent to which a state can be assumed to represent social interests.

Theorists of Western Political Thought have long been engaged in analysing the degree to which a state can be considered representative and invariably come to the conclusion that even in representative democracies, the power of the state far outweighs the power of individuals to challenge it.¹⁸ Yet, Wright notes, it is "surprising" how recent works of international theory reflect "the continued sway of the social contract tradition in various guises".¹⁹ Wright concludes that "a fundamental break with contract theory will have to be made before political theorists, whether empirical or normative, domestic or international, will be able to confront the violence, war, repression, poverty and anarchy which are rife in so many parts of the world today."²⁰

A further justification of the view that questions of individual rights should be confined to the domestic political arena is that values about what constitutes human rights are relative between states. According to cultural relativists, the state is the only legitimate voice in international relations because of "the lack of a common Almighty, of a coherent and pervasive morality which transcends international frontiers".²¹

In its most extreme form, cultural relativism implies that "the mere possession of certain moral opinions by a man, or a society, is sufficient to render that opinion, no matter how arbitrary, right for that man or society".²² However Suganami points out that a moral relativist would therefore be obliged to

accept the right of any state or society to go to war, or to intervene in the affairs of another state, if its moral dictates said it was right to do so.²³

The relativist assumptions most common to international theory deny the possibility of any universal agreement on questions of individual rights. Bozeman argues that fundamentalist Islamic states cannot be expected to conform to a Western dominated world order based western principles.

...by rejecting rational modes of thought, the Arabs - and Muslims in general - rendered themselves constitutionally distrustful of all abstract or a priori universal concepts, such as 'the law of nature,' 'ideal justice,' and the like, which have had such a decisive normative effect on the evolution of secular legal systems in the West.²⁴

A fundamental problem with the concept of cultural relativism in international relations relates to the assumption of a connection between cultural or religious identity and the state. The state is rarely an association based on common culture - the Government of Papua New Guinea, for instance, represents some 700 distinct cultural groups. Ethnic and cultural diversity is a feature of most states in the international system, yet it does not prevent states from conforming to accepted norms of behaviour in their relations with one another.²⁵

Nardin makes the further point that while states may differ in superficial ways, there are common elements in all cultures which derive from the universalism of human experience. "The universal principles of morality are those that work under the recurrent circumstances of human existence and that have tended in consequence to be selected and perpetuated wherever there are permanent human communities".²⁶ Nardin cites as examples the

fact that all cultures manifest practices which relate to the universal elements of human existence, such as the protection of children, regulation of sexual conduct and ritualistic treatment of the dead. This level of commonality has been found across culture, time and place, in traditions which emanate from the universalism of human experience.²⁷

Nardin nevertheless argues for states' rights to be prior to individual rights because the state is "an independent political community free to make and amend its own laws and to enjoy its own religious and cultural life, subject only to those limitations that are necessary to reconcile the liberty of one community with that of others".²⁸ It could therefore be argued that while human experience is universal, states have different mechanisms for accommodating individuals' needs.

The problems inherent in the notion of a social contract have been discussed above, and Barrington Moore has identified recurring elements in all forms of social organisation across time and place, which suggest the existence of universal concepts of social injustice: "even the simplest known societies display in at least a rudimentary form some principles of social inequality".²⁹ This agreement was located in "indications of a widespread feeling that people, even the most humble members of a society, ought to have enough resources to do their job in the social order, and that there is something morally wrong or even outrageous when these resources are unavailable".³⁰ A universal sense of injustice was apparent in all social orders, across time and place, at "failures of authority to meet its express or implied obligation to provide security and advance collective purposes".³¹

Although there is evidence of "a core of inarticulate agreement among human beings as to what constitutes unjust treatment of themselves of their fellow human beings",³² it should also be recognised that heads of state acknowledge common principles of fundamental human rights, both in their constitutions and in the justifications they offer for their actions. Even if constitutional guarantees have little or no effect on individuals' lives, the fact that human rights are acknowledged in the preambles of most of the world's constitutions, including the Soviet Union's attests to a consensus about what the principles should be.³³

Levi points out that most states are willing to pay lip-service to certain values, irrespective of their intentions or sense of responsibilities.³⁴ Even those states who argue that human rights issues are culturally relative will rarely admit to ignoring international norms like human rights when they are accused of doing so in public.³⁵

...the clearest evidence for the stability of our values over time is the unchanging character of the lies soldiers and statesmen tell. They lie in order to justify themselves, and so they describe for us the lineaments of justice.³⁶

While heads of state are willing to pay lip-service to universal values, they do not necessarily act in accordance with principles that respect individuals' rights.³⁷ Defending the principle of state sovereignty in international theory may therefore be justifiable on the grounds that it is the only principle states are willing to accept.

4.2 An International Code of Conduct

The idea of an international code of conduct, or a "morality of states", according to Bull, Nardin and Beitz assumes, first, that states are capable of voluntary self-restraint according to a set of principles of behaviour and second, that the fundamental principle upon which this code of conduct is based, is the principle of state sovereignty. The rationale for the second assumption is that states can only be expected to adhere to principles of behaviour which indirectly serve their own interests, therefore, since the principle of state sovereignty affirms the right of all states to exist, they can be expected to respect it above all other principles.

Thus international order is seen to be the product of states observing a set of rules, "at the heart of..(which) is the principle that each state accepts the duty to respect the sovereignty or supreme jurisdiction of every other state over its own citizens and domain, in return for the right to expect similar respect for its own sovereignty from other states".³⁸

The idea that states will accept a code of conduct which respects the principle of state sovereignty draws heavily on the analogy between the state and the individual. Just as Hobbes depicted the defence of human life as the value most precious to the individual, Bull, Nardin and Beitz see the protection of sovereignty (ie. "life") as the value most fundamental to states. The idea of a code of conduct also reflects an analogy with human societies in the sense that "without a minimum of... friendly behaviour (which is of course consistent with plenty of competition of various kinds) a community cannot exist at all and

its members cannot survive".³⁹ The state is thus depicted as a responsible member of the international "community", voluntarily adhering to a code of conduct both out of a sense of self-interest and from a duty to the society as a whole. "Trying to do one's duty as one sees it is... to a striking extent... what states are engaged in".⁴⁰

The idea of the state as capable of voluntary self-restraint has widespread currency in many different approaches to international theory⁴¹ and underpins each of the three theories discussed above. According to Bull, "...the idea of international society identifies states as members of this society and the units competent to carry out political tasks within it, including the tasks necessary to make the basic rules effective."⁴² The responsible state is thus capable of adhering to rules of conduct and carrying out its "duties" in the international arena. It is also willing to accept the restraints of international law, according to Nardin, and it is capable of reviewing the principles which govern its conduct, according to Beitz.

This conception of international relations also assumes that states can be expected to act in concert to uphold the principle of state sovereignty. Vincent attributes the willingness of states to uphold the principle of state sovereignty to "three extra-legal factors": "a sense of moral duty; self interest; or forced obedience to the rule".⁴³ States do possess the power to act in concert to influence the policies of another state, although the extent to which such action is successful depends upon the degree to which the legitimacy of the target state depends on acceptance by the international community, as the examples of South Africa and Israel illustrate.⁴⁴ "In a very

real sense, sovereignty is something created or at any rate bestowed by the international community. If other states do not accept a particular entity... then the status of a sovereign state has not been bestowed..."⁴⁵ The effectiveness of international pressure is however mitigated by factors such as the power of the target state, or its ability to attract patronage from other powerful states.

In determining whether respect for the principle of state sovereignty does influence states' behaviour, I will examine the case of the Tanzanian intervention in Uganda in 1978-1979 which resulted in the downfall of a genocidal dictator, Idi Amin.⁴⁶ Tanzania launched an invasion of neighbouring Uganda in November 1978 ostensibly to retaliate for a Ugandan army incursion over the Tanzanian border. Five months later, Tanzanian troops reached the Ugandan capital Kampala, and toppled Idi Amin's regime, which during its eight years in power had obtained a world-wide reputation for brutality and abuse of human rights.⁴⁶

The reaction of the international community during the dispute was mixed. The Organisation of African Unity did not support Tanzania's action, on the grounds that it violated the principle of state sovereignty.⁴⁷ Libya supported Uganda with arms and supplies "motivated by the desire to help an anti-imperialist, anti-Zionist leader of a muslim state".⁴⁸ Kenya also supported Idi Amin because it received the benefits of trade from a land-locked Uganda through its ports.⁴⁹

On the other hand, Tanzania received the tacit support of states who had nothing to gain from supporting either side. Amin's request for assistance from the United Nations "fell on

deaf ears"⁵⁰ and the Russians, who "had become increasingly embarrassed by their association with Amin"⁵¹ kept a low profile during the conflict and gradually withdrew their support. The Western states who had negligible strategic interests in the region remained uninvolved until the intervention was successfully completed, whereupon they accorded the new regime diplomatic recognition and offered generous levels of financial support.⁵² Thomas concludes that the level of financial assistance offered to the new regime by the West amounted to "a tacit approval of the Tanzanian action".⁵³

In looking at this incident for indications of the parameters of the international code of conduct, the first conclusion to be drawn is that the policies of states on both sides of the dispute appear to be driven by a calculation of self-interest. While Tanzania may have had a moral motive in its efforts to remove Idi Amin, it also had a strategic interest in "weakening the cause of a troublesome and threatening neighbour state".⁵⁴ The policies of the states like Libya and Kenya were influenced by a perception of their strategic interests, and the small, vulnerable states who made up the Organisation of African Unity, upheld the principle of state sovereignty as a protection of their own interests, aware that "all... historical examples of intervention show the powerful correcting the weak"⁵⁵ and concerned about giving license to a flood of humanitarian interventions.

While members of the wider international community tacitly supported the Tanzanian action, Thomas concludes this was only possible because of the absence more direct strategic concerns. She says that Tanzania's intervention was "more acceptable" to

these states than comparable interventions like the Vietnamese invasion of Kampuchea and the Indian intervention in East Pakistan, because of the absence of questions of self-interest. "...the region was of no great strategic importance to any of the world's major powers... the conflict was clearly not part of a broader hostility... (and) Tanzania could not be regarded as the dominant and powerful predatory neighbour... ranking as one of Africa's poorest states".⁵⁶ In contrast, a state with more immediate interests at stake, like Kenya, was adamant in promoting its own interests. Even though "Kenya had the power to exert the most leverage and probably with the least hardship and inconvenience to her own population... she would not use it".⁵⁷

A second interesting point to emerge from this case study is that the most common justification offered by both parties to the dispute was that each was defending the principle of state sovereignty. Although Tanzania could have argued it was undertaking a humanitarian intervention, Nyerere insisted throughout that Tanzania was taking punitive action for a previous intervention.

It would appear from this example that the fundamental principle governing the actions of the parties involved was a calculation of self-interest, and that no state voluntarily restrained its behaviour for the defence of a higher principle. While defending the principle of state sovereignty was a factor in certain states' calculation of where their interests lay, such as the members of the OAU, it could not be said to have had a primary influence over any states' conduct. The fact that "a fundamental pillar of order in international society had been flouted"⁵⁸ did not motivate states to defend the principle of state sovereignty

in the interests of promoting order within international society as a whole. Instead, each state's action in response to the dispute was based on a calculation of its own interests.

While Bull and Nardin recognise the rights of states to pursue their own interests, they also imply that that the principle of state sovereignty is the only principle states can be expected to respect.⁵⁹ It follows that a principle such as respect for human rights would always come second to the principle of state sovereignty in a state's calculation of its best interests.

Clearly, the principle of human rights did not feature in any state's justification of its actions in the Tanzania - Uganda conflict. Even though Nyerere had been a long-standing critic of Amin's abuses of human rights, he chose to justify what may well have been accepted as a "humanitarian intervention" as counter-intervention. However, if the principle of state sovereignty was fundamental to a state's perception of its own interests, one would assume that the states which had no direct strategic interests to protect would have defended the principle of non-intervention by supporting Uganda, or at least have stayed out of the conflict altogether. Instead, they chose to give tacit approval to Tanzania's action in the form of aid and diplomatic support to the new Ugandan regime. The reaction of these states to the Tanzanian intervention of Uganda thus contradicts the assumption that defending state sovereignty is the only principle states are likely to respect.

4.3 Towards An Understanding of the State

A number of reasons could be offered for why the states who had nothing to lose by Tanzania's intervention in Uganda chose to support it. Wight, for example, suggests that in certain countries, statesmen are influenced by a "moral climate" of public opinion which forces them to act with compassion in cases of extreme abuses of power.⁶⁰ Or it may be that when a state's strategic interests are not at risk, statesmen are less impelled to act as "evil men" in international relations. Whatever the reason, the states which tacitly supported the Tanzanian intervention clearly felt no compulsion to defend the principle of state sovereignty for its own sake.

The fact that a state can be "embarrassed" by association with the human rights atrocities of another state⁶¹ suggests the existence of a link between the states' perception of its interests and the claims of individuals for human rights. This evidence of a state's "conscience" could be attributable either to the voluntary will of statesmen, or, as Wight suggests, be the product of states' responding to pressure from other interests, such as non-state actors, or other states. To understand the nature of this link, we would need to examine the structure of the state with a view to finding out how other factors may affect a state's perception of its own interests.

Taking this direction in international theory has been impeded by the assumption of a holistic state in the theories of Bull, Nardin and Beitz. The trend to depict the state as representative of a unity of purpose and consensus of values among individuals within it, derives from "the 19th Century ideal that nations would create states and that states would serve their nations".⁶² This assumption is no longer valid, either in terms

of states being representative institutions, nor on the grounds of cultural relativism.

The idea of the state as a unified whole owes its origins to Hegel, who saw the state as a means of reconciling the competing claims of order and justice in civil life.⁶³ Hegelian holism, applied to international relations, perpetuates a blind spot in international theory in respect of recognising the existence of competing groups within the state, and the potential of these groups to influence a head of state's perception of his own interests.

While an examination of long-standing theoretical debates about the nature of the state would obviously enhance our understanding of the state in the context of international theory, to do so is beyond the capacity of this sub-thesis. It would, however, be a useful starting point to acknowledge Michels' axiom that all social groups, the state included, possess an inherent tendency to give rise to ruling elites.⁶⁴ Reflecting both Michels' "Iron Law of Oligarchy" and the requirements of the system of states, the characteristic common to all states is the existence of a head of state, or ruling elite, who possesses sovereign power over the mass of the population. This structural support for sovereign power holds true of all states, regardless of a political system's claims to democracy.⁶⁵

Recognising that states are composed of competing interests should not lead us into the assumption that it is impossible to define the basis upon which a state will ultimately calculate its own interests. Levi cautions against assuming that because states are pluralistic, and represent competing interests, that

these interests necessarily dictate its behaviour.⁶⁶ However, as a first principle, we should understand the state's actions to be the actions of a head of state who, while not wholly reducible to his domestic constituency is by no means autonomous from it. Heads of states may also be influenced by a wider constituency than simply their domestic populations, responding both to pressure from other states, either bi-laterally or multilaterally, and from non-state actors like amnesty International which have a moral authority in world affairs.

In approaching an understanding of the state in international theory, it may also be useful to recognise that maintaining the system of states is in the interests of all heads of states who are members of it.⁶⁷ As I mentioned earlier, the system of states affords great economic, political and military power to the few individuals fortunate enough to represent sovereign states. It is therefore conceivable that heads of states may feel concerned, or "embarrassed" when the actions of "pariah states" threaten to undermine the respectability of the system of states as a whole.⁶⁸

Whether the need to defend the legitimacy of the system of states warrants the "tacit support" given to Tanzania when it sought to expel Idi Amin from the system of states would probably depend on the strength of other strategic interests. However, the evidence that heads of states can be "embarrassed" by the atrocities of another head of state suggests that the need to defend the legitimacy of a system which provides the source of their power, may be a factor in a state's evaluation of where its interests lie. Thus the "tacit approval" given by many states to Tanzania's intervention of Uganda may well have been motivated by

the need for heads of states to defend the "respectability" of a system which works so effectively to legitimise their own power and position.

NOTES - CHAPTER FOUR

1. Bull, Hedley. The Anarchical Society Macmillan 1977. p.14
2. see Bull, ibid. p. 70, Nardin, T. Law, Morality, and the Relations of States. Princeton University Press, 1983. p. 240. and Beitz, C.R. Political Theory and International Relations. Princeton University Press. 1979 While Beitz does not explicitly endorse this principle, he nevertheless suggests an inter-state mechanism to give effect to the global distributive principle, even in the knowledge that such a mechanism would considerably distort the fair distribution of goods. see p. 181
3. see Bull, op. cit. p. 70 and Nardin, op. cit. p. 240
4. Vincent, R.J. Non-intervention and International Order. Princeton University Press, 1974. p. 345
5. Nardin, op. cit. p. 238
6. Bull, op. cit. p. 85
7. ibid. p. 86
8. Hobbes, Thomas, Leviathan. Dent and Sons, 1943 Edition.
9. ibid. pp. 64-65
10. ibid. pp. 114-115
11. ibid. p. 116
12. Beitz, op. cit. p. 78
13. ibid.
14. ibid. p. 79
15. Lipton, M. Why Poor People Stay Poor. A Study of Urban Bias in World Development. Temple Smith, 1977. p.16
16. ibid.
17. a most recent example would be the use of the military to dictate the process of government in Haiti.
18. see Berki, R.N. The History of Political Thought. Rowman and Littlefield, USA, 1977. esp. Chap. 6

19. Wright, Moorehead. "Central but Ambiguous: States and International Theory" in Review of International Studies. No.10. 1984. pp.233-237. p. 237
20. ibid. p. 236
21. Vincent, op. cit. pp. 345-346
22. Suganami, H. "A Normative enquiry in international relations; the case of 'pacta sunt servanda'" in Review of International Studies (1983), 9, pp. 35 - 54. p. 36
23. ibid.
24. Bozeman, A. The Future of Law in a Multicultural World. New York, 1970. p. 12
25. Levi, W. "International Law in a Multicultural World" in International Studies Quarterly, Vol. 18, No. 4., December 1974. pp. 417 - 449.
26. Nardin, op. cit. p. 320
27. Moore, Barrington, Jr. Injustice. The Social Bases of Obedience and Revolt. Macmillan Press, 1978.
28. Nardin, op. cit. p. 53
29. Moore, op. cit. p. 11
30. ibid. p.47
31. ibid. p.46
32. Wright, Moorehead, "Reflections on Justice in International Politics", in Review of International Studies No. 12. Jan 1986. pp. 67-73. p.68
33. Cranston, M. What are Human Rights? Lond. Bodley Head, 1973. p4. notes "In spite of Marx's teaching on this subject, the Soviet Union, in its constitution of 1936... formulated the rights of its citizens on the model of the constitutions of America and France and other 'bourgeois' countries".
34. Levi, op. cit.p. 428
35. The very effectiveness of Amnesty International in

influencing states policies testifies to the tacit acknowledgement among states of certain principles of "acceptable" conduct.

36. Walzer, M. Just and Unjust Wars. Basic Books. 1977. p.19

37. Linklater, A. Men and Citizens in the Theory of International Relations, London. Macmillan. 1982. p.302

38. Bull, op. cit. p. 70

39. Whitely, C.H. "The Justification of Morality" in Philosophy, Vol. 57, 1982. pp. 435 - 451. p. 438

40. Claude, Inis. L, "Myths about the State", in Review of International Studies, 1986, 12, ppl-11, p. 10

41. Linklater, op. cit. p.193 for example, says "with the promotion of the idea that states like individuals can have rights and duties it becomes possible for them to acquire the status of membership of a society of free and equal communities".

42. Bull, op. cit. p.68

43. Vincent, op. cit. p. 14

44. Wight, M. "International Legitimacy" in International Relations, Vol. 4, 1972-74, pp. 1-28. p.1 Wight defines international legitimacy as, "...the collective judgment of international society about rightful membership of the family of nations; how sovereignty may be transferred; how state succession should be regulated..."

45. Miller, J.D.B. "Sovereignty as a Source of Vitality for the State" in Review of International Studies (1986) 12, pp. 79-89. p.79

46. Thomas, C. New States, Sovereignty, and Intervention. Gower, 1985. pp. 90-107

47. ibid. p. 94

48. ibid. p. 105

49. ibid. p.106

50. ibid. p.115

51. ibid. p. 112

52. ibid. p. 113. "Britain made one million pounds available to Lule almost immediately and Sweden donated three million kroners in disaster aid. The United States, which had sanctioned trade with Amin because of human rights violations, moved to resume normal diplomatic ties and trade".

53. ibid.

54. ibid. p. 91

55. Wight, M. "Western values in International Relations" in Butterfield, H and Wight, M. Diplomatic Investigations. Allen and Unwin, 1966. pp. 89- 131. p.120

56. Thomas, op. cit. p. 117

57. ibid. p. 107

58. ibid. p. 115

59. Bull, op. cit. p. 70, and Nardin, op. cit.p. 240

60. Wight, M. Power Politics, edited by Hedley Bull and Carsten Holbraad, Penguin, 1979. p. 292

61. For example, the downfall of Emperor Bokassa, of the Central African Empire, was precipitated by reports of massacres of school children reaching the Western media and "embarrassing" France into withdrawing its support for the regime.

62. Claude, op. cit. p.3

63. see Berki, op. cit. pp. 172-179

64. Michels, R. Political Parties New York, The Free Press, 1915, pp. 416-425

65. Macpherson, C.B. The Real World of Democracy, Clarendon Press, 1966.

66. Levi, op. cit. p. 445

67. The proliferation of barely viable states under the principle of self-determination, attests to popularity of statehood and the reluctance of individuals to relinquish it, even

when state boundaries possess no geo-historical significance, as with many of the states on the African continent.

68. Wight, "International Legitimacy", op. cit.

CONCLUSION

While the theories of world order developed by Bull, Nardin and Beitz argue that maintaining order among states will promote the common good within them, they are unable to provide an adequate explanation of the basis of international order because of erroneous assumptions about the state. The assumption of the state as a voluntary actor in world affairs, capable of acting against its own interests for the good of the system as a whole offers no theoretical insight into the factors which may influence a state's behaviour. While Bull, Nardin and Beitz would argue that the level of peaceful coexistence currently enjoyed among states is the product of states' acceptance of "rules" of international behaviour, it could equally be argued that a state's willingness to pursue its goals via cooperative means is the product of an evaluation of its own interests.

Bull, Nardin and Beitz recognise the state as a fundamental unit of international order and attempt to demonstrate that maintaining order among states will promote the common good for individuals within them. However, portraying the interests of states and the interests of individuals as fundamentally incompatible ignores the potential for states to accommodate principles like human rights in the evaluation of their own interests.

To have any predictive value, international theory must begin to examine the political structure of states with a view to understanding how a range of factors can influence a state's perception of its own interests. The direction of future research should be to examine the actions of states in light of

the many influences, both internal and external, upon the state's evaluation of its own interests. A state's calculation of its self-interest might therefore include pressure from domestic constituencies, or from other states, or from non-state "authorities" such as Amnesty International. Recognising that many non-state actors have an increasing authority in international affairs should not, however, lead to the conclusion that the presence of such influences renders the state's power in any way reduced.¹

The state is clearly a fundamental unit of world order and a dominant force in international politics. We should therefore attempt to develop a strong, working definition of the state which acknowledges the range of interests, both internal and external, state and non-state, which influence its behaviour. While such an analysis should recognise the differences between states in terms of race, ethnicity, political structures and geo-historical traditions, it should also acknowledge the structural factors common to all states, many of which derive from a state's membership of the system of states. A feature common to all states, for example, is the power afforded to heads of states vis a vis the majority of the population.

Further work in developing a theory of world order in the direction suggested above might be guided by the proposition developed in this sub-thesis that the state is not a unified whole but a coalition of competing interests, the most fundamental of which is the division between a state's population and its sovereign ruler.

The outcome of research guided by this proposition need not

challenge the idea that "the states system provides the present structure of the political organisation of mankind... and such hopes as we may entertain for the emergence of a more cohesive world society are bound up with its preservation and development".² Far from undermining the state-centric conception of world order, we would instead arrive at a better understanding of the state in international theory, free of the limitations of a conception which depicts the state as an autonomous, voluntary actor in international affairs.

NOTES - CONCLUSION

1. see Burton, J.W. Conflict and Communication. Macmillan, 1969, and Wallerstein, I. Historical Capitalism. Verso, 1983.

2. Bull, Hedley. The Anarchical Society. Macmillan 1977.
p.295

BIBLIOGRAPHY

Barrat-Brown, M, The Economics of Imperialism. Penguin, 1974.

Beitz, C.R. Political Theory and International Relations.
Princeton University Press, 1979.

Berger, P. and Luckman, T. The Social Construction of Reality,
1966.

Berki, R.N. The History of Political Thought. Rowman and
Littlefield, USA, 1977.

Bozeman, A. The Future of Law in a Multicultural World. New York,
1970.

Brown, A. Modern Political Philosophy. Lond. Penguin, 1986.

Bull, Hedley. The Anarchical Society. A Study of Order in World
Politics. Macmillan, 1977.

Bull, H. and Watson, A. The Expansion of International Society.
Oxford University Press. 1984.

Bull. H. Intervention in World Politics, Clarendon Press, 1984.

Bull, H. Justice in International Relations, 1983-84 Hagey
Lectures, University of Waterloo, Ontario. 1984.

Burns, A.L. From Balance to Deterrence. A Theoretical Analysis.
The ANU Social Science Monographs, 1956.

Burton, J.W. Conflict and Communication. Macmillan, 1969.

Butterfield, H. and Wight, M.(eds). Diplomatic Investigations. Essays in The Theory of International Politics. Allen and Unwin, 1966.

Cranston, M. Politics and Ethics. An Inaugural Lecture to the London School of Economics. 1972.

Carr, E.H. The Twenty Years' Crisis 1919 - 1939, McMillan Press 1939.

Carr, E.H. What is History? 1961. Lond. Penguin, 1977.

Claude, Inis. L, "Myths about the State", in Review of International Studies, 1986, 12, ppl-11,

Donelan, Michael (ed). The Reason of States. A Study in International Political Theory. Allen and Unwin, 1978.

Figgis, J.N. Studies of Political Thought from Gerson to Grotius 1414-1625. Cambridge University Press, 1923.

Fitzpatrick, John, "The Anglo-American School of International Relations: The Tyranny of A-historical Culturalism", in Australian Outlook, Vol 41, Nol. April 1987, pp. 45-52

Frost, M. Towards a Normative Theory of International Relations, Cambridge, 1986.

- Gierke, Otto. Political Theories of the Middle Age. Cambridge University Press. 1938.
- Gierke, Otto. Natural Law and the Theory of Society. Cambridge University Press. 1950.
- Gulick, Edward Vose. Europe's Classical Balance of Power. Cornell University Press, 1955.
- Hall, S. "The Determination of News Photographs", in Cohen, S. and Young, J. (eds) The Manufacture of News, London, 1973.
- Higgott, R and Robison, R. Southeast Asia. Essays in the Political Economy of Structural Change. Routledge and Kegan Paul, 1985.
- Hobbes, Thomas, Leviathan. Dent and Sons, 1943 Edition.
- Hoopes, T. The Limits of Intervention. Mc Kay. New York. 1969.
- Levi, W. "International Law in a Multicultural World" in International Studies Quarterly, Vol. 18, No. 4., December 1974. pp. 417 - 449.
- Kant's Political Writings, edited with an introduction and notes by Hans Reiss. Cambridge University Press, 1970.
- Linklater, A. Marx. Unpublished Seminar Paper, ANU Department of International Relations, 26 May, 1983.
- Linklater, A. Men and Citizens in International Relations, Macmillan, 1982.

Lipton, M. Why Poor People Stay Poor. A Study of Urban Bias in World Development. Temple Smith, 1977.

Macpherson, C.B. The Real World of Democracy, Clarendon Press, 1966.

Karl Marx and Frederick Engels Selected Works in Two Volumes, Moscow, 1951.

Michels, R. Political Parties New York, The Free Press, 1915, pp. 416-425

Miller, J.D.B. "Sovereignty as a Source of Vitality for the State" in Review of International Studies (1986) 12, pp. 79-89.

Modelski, George. Principles of World Politics. The Free Press, 1972.

Moore, Barrington, Jr. Injustice. The Social Bases of Obedience and Revolt. Macmillan Press, 1978.

Nardin, T. Law, Morality, and the Relations of States. Princeton University Press, 1983.

Popper, K.R. "On the Sources of Knowledge and of Ignorance", in Conjectures and Refutations, New York, Basic Books, 1972.

Rousseau, Jean Jacques. The Social Contract Hafner Publishing Company, New York. 1946 ed.

Rousseau, Jean Jacques. Perpetual Peace. Hazel, Watson and Viney, London, 1927 edition.

Parekh, Bhikhu and Berki, R.N. The Morality of Politics. Allen and Unwin, 1972.

Pettman, R. State and Class. A Sociology of International Affairs. Croom Helm, 1979.

Suganami, H. "A Normative enquiry in international relations; the case of 'pacta sunt servanda'" in Review of International Studies (1983), 9, pp. 35 - 54.

Suganami, H. "Reflections on the Domestic Analogy: the case of Bull, Beitz and Linklater", in Review of International Studies (1986), 12, pp.145-158.

Thomas, C. New States, Sovereignty, and Intervention. Gower, 1985.

Vincent, R.J. Non-intervention and International Order. Princeton University Press, 1974.

Vital, D. The Inequality of States. A Study of the Small Power in International Relations. Clarendon Press, 1967.

Wallerstein, I. Historical Capitalism. Verso, 1983.

Wallerstein, I. The Modern World-System. Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century. Academic Press, 1974.

Waltz, Kenneth.N. Man, the State and War. Columbia University Press, 1954.

Walzer, M. Just and Unjust Wars. Basic Books. 1977.

Whitely, C.H. "The Justification of Morality" in Philosophy, Vol. 57, 1982. pp. 435 - 451.

Wight, Martin. Power Politics. Royal Institute of International Affairs, 1946.

Wight, M. Power Politics, edited by Hedley Bull and Carsten Holbraad, Penguin, 1979.

Wight, M. "Western values in International Relations" in Butterfield, H and Wight, M. Diplomatic Investigations. Allen and Unwin, 1966. pp. 89 - 131.

Wight, M. "International Legitimacy" in International Relations, Vol. 4, 1972-74, pp. 1-28.

Wright, Moorehead. "Central but Ambiguous: States and International Theory" in Review of International Studies. No.10. 1984. pp.233-237.

Wright, Moorehead, "Reflections on Justice in International Politics", in Review of International Studies No. 12. Jan 1986. pp. 67-73.