

International Political Theory and the Question of Justice

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Those who study international relations are often drawn to it by some dramatic event or series of events: in my case, the Bay of Pigs invasion, the Cuban missile crisis, and then, decisively, the Vietnam War. And once they are involved in that study, students of international relations are expected to have something to say about the issues of the day. It's not surprising, then, that the field of international relations should continually adjust itself to current events. For many in the field, it seems obvious that knowledge, even at its most theoretical and abstruse, should be useful. The theorist, they believe, understands international affairs more clearly and more objectively than either the citizen or the politician. But this is a delusion. Making relevance to current affairs a criterion of success in theorizing misunderstands the activity of theorizing and what it can contribute to our understanding of international affairs. The knowledge we call 'theoretical' is by definition detached from factual contingencies and therefore from current affairs. That detachment enables one kind of understanding while preventing another. The theorist finds relationships among ideas that are abstracted from the ever-changing spectacle of events. It is true that theory can emerge from efforts to respond to practical problems. The theorist can question the way a problem has been framed, the vocabulary used to discuss it, and the premises on which that discussion rests. But pursuing such questions leads away from practical politics, not towards it. Political theory can make its own distinct contribution only by keeping a certain distance from current affairs.

What is true of the study of international relations in general is true of the study of international justice in particular. The aim of the theorist of international justice, as a theorist, is not to prescribe policy; it is to clarify and make coherent the meaning of justice in an international context. Whether Britain should remain in Iraq or what rich countries should do about poverty in Africa are important questions, but they are not theoretical questions. On what grounds is one country justified in using force against another? On what grounds are rich countries obligated to assist the poor? And, at a deeper level, do the identified principles of just war and of international distributive justice share a common foundation?—as it seems they should if both are about 'justice'. Those are questions for the theorist of international justice.

Familiar political ideologies are arrayed around these questions, both practical and theoretical. 'Political realism' denies that international law is possible or desirable, holding that the jurisdiction even of domestic law in foreign affairs should be limited. It maintains that the interests of a state are overriding considerations in making its foreign policy and emphasizes the fragility of international order understood in legal terms. 'Internationalism'

argues that relations between states are and should be regulated by law, and that the rule of law is a central concern of the international community. ‘Cosmopolitanism’ holds that foreign policy is constrained by moral considerations that transcend the interests of particular communities and even international law. It argues that the division of humanity into territorial states is in fact morally arbitrary, and that international politics as traditionally understood must yield to a transnational politics focused on the interests or rights of individuals. The history of international thought is to a significant degree a history of these competing ideologies, none of which has ever succeeded in driving the others from the field.

The task of the political theorist is to move beyond ideologies towards a more critical and objective understanding of the assumptions on which those ideologies rest. But it is hard to separate political theory from the politics it theorizes, and the fact that so few succeed in achieving that separation reinforces the common view that theorizing as I have defined it—thinking for the sake of understanding, not for the sake of action—is impossible. The difficulty is especially acute for theorists of international politics because the main object of their inquiry is politics within a single international system. Theorizing requires getting beyond particulars, but the object of much international theorizing is the particular system of territorial states that emerged in early modern Europe and that now encompasses the world. In contrast to the study of internal politics, which can generalize across societies, the study of international is focused on this single, historic international society. Although there are regional and other subsystems, these operate within a single UN system and a common body of international law according to which (and sometimes in defiance of which) every state conducts its relations with other states. This means that ideas about international justice are ideas about justice in a particular historic community, and the consequence of that particularity is to blur the already uncertain line between politics and political theory. Theoretical detachment is possible but achieving it takes extra effort.

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At the center of political theory, and therefore of international political theory, is the idea of justice, which is related to the idea of law. In a state, laws are coercive in the sense that people can be compelled to observe them. Politics, which is deliberation about matters of public concern, is about law because public decisions eventuate in laws or in policies that must conform with law. It is also about moral justice, because those laws and policies must not infringe basic moral (or ‘human’) rights. Citizens may disagree about those rights, but their disagreement is usually within limits that define a common understanding of justice. When it exceeds those limits, the result is civil war. It is harder, however, to think of relationships with other states and their inhabitants as relationships governed by justice. Especially in war, people may tolerate the most harsh or indifferent treatment of foreigners. But if a government is constrained morally in its internal affairs, on what ground may it murder or oppress people in other countries or remain silent while their own governments commit or permit violence against them? If coercion is warranted when people violate the rights of fellow citizens, it might also be warranted when they violate the rights of foreigners. And if taxing people to support the institutions needed to protect the rights of citizens is morally permissible, there would seem to be no reason in principle why they could not be taxed to protect those rights internationally or globally. The question in each case concerns

the limits of morally permissible coercion. Because laws can be coercively enforced, we are invited to ask what, in principle, human beings can justly be compelled to do. In exploring the relationship between justice and coercion, we explore the ‘logic’—the presuppositions and possible implications—of the idea of justice.¹

One way to frame that relationship is to say that principles of justice are those that determine the moral prescriptions people can be compelled to respect. On this view, the scope of ‘justice’ is narrower than that of ‘morality’. A theory of justice must identify which of the obligations that morality prescribes are enforceable, either by government or by individuals acting in default of government, and on what grounds. This requires that the theorist pay attention to politics as well as to ethics. It does not follow that because an act is morally obligatory it should be made a matter of legal obligation. To distinguish between moral and civil obligation, political theorists often find it helpful to think about rights and duties in the absence of legal institutions. Theorists in the tradition of modern natural law that runs from Grotius to Kant do this when they postulate a ‘natural condition’ of mankind as an alternative to the civil condition. Outside civil society, the argument might go, a person can justly use coercion only to prevent others from pursuing their own ends by coercive means. Where civil institutions have emerged, coercion must be legally regulated according to this principle. People are morally bound not to interfere coercively with one another’s choices, except as one interference is necessary to thwart another—as Kant put it, to hinder a hindrance to freedom—and they have the moral right to live under laws that protect them from being used, against their will, to satisfy other people’s desires. The purpose of law, in other words, is to prevent coercive interference with the freedom of individuals, either by other individuals or by government.

Modern liberals—liberal egalitarians—criticize this understanding of justice as narrowly libertarian, but they do not question the presupposition on which it rests: that human beings are ‘free’ or ‘intelligent’ beings, creatures whose characteristic faculty is to choose ends for themselves. This metaphysical understanding of human beings as freely choosing ‘agents’ supports a moral understanding of equality as the equal freedom of all such beings to choose ends for themselves. It implies a noninstrumental attitude towards human beings as ‘persons’, not as things—as ends in themselves, not merely as ‘means’ to be used in satisfying desires. In Kantian terms, this attitude is one of ‘respect’ for the humanity, the freedom, of every human being. A morality premised on the character of human beings as free or intelligent beings will require them to recognize that character in themselves and other human beings. What unites the precepts of this morality within a coherent system, then, is a single fundamental principle, which in one of its forms is that one should act in all circumstances in a way that treats both oneself and other human beings as thinking, choosing agents or persons. Stated negatively, it is impermissible for one not to treat every human being as an agent or person.

Versions of these Kantian understandings survive in Rawls, Nozick, Habermas, Walzer, and other contemporary justice theorists, all of whom acknowledge that human beings must be protected against coercive interference if they are to choose their own ends. But to acknowledge that principle is to connect justice with law and coercion—and this connection sometimes gets lost in the contemporary justice debate. That the relationship of

justice to law and coercion is the proper subject of a theory of justice is a powerful hypothesis that theorists of international justice might profitably investigate.

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To get from the idea of justice as coercively enforceable obligations to the idea of international justice, we need to know who bears those obligations at the international level. For some centuries now, moral and political discourse has assumed that obligations can be acquired by corporate as well as natural persons. If that assumption is reasonable, states and governments can have duties and rights. Their conduct can be the subject of a discourse of justice focused on these duties and rights. And to understand why those who think about international relations would find it reasonable to make that assumption, we have only to ask ‘What is the *problem* of international relations that they have been trying to solve?’ It is a problem generated by the existence of separate states. Where there are states there are transactions between them, and we can ask how those transactions should be carried on. To understand states as capable of having transactions with one another is to understand them as agents. As corporate agents, states have goals and make choices. They have legal rights, powers, duties, and liabilities within the international community. We judge their actions morally and, in doing so, invoke moral standards for judging the conduct of states and of their governments, public officials, and citizens—standards that are, or might become, part of international law. These standards comprise ‘the morality of states’. And because states use force and other coercive means against one another, the debate over that morality must engage the proper grounds for coercion. To the degree that justifying coercion is at its center, it is a debate about international justice.

The analogy between states and persons that is implicit in the idea of a morality of states has been condemned as misleading on the ground that it attributes to states a right of autonomy that puts their actions above moral criticism.² But it is the suggestion that states are immune from criticism that is misleading, not the analogy between states and persons. That natural persons are autonomous—that they have the capacity to make choices and to choose their own principles—does not shield their actions from moral scrutiny. On the contrary, it is only because persons are autonomous that we can criticize the actions and principles they choose. And if persons are not above moral criticism, neither are states. What is objectionable, then, is not the analogy between states and persons but its misuse. Many have misconstrued that analogy, extracting from it the conclusion that states are autonomous in the sense of being immune to moral criticism and external interference. But this does not mean that the analogy itself is mistaken, or that we cannot see a state, for some purposes, as a corporate entity that makes decisions through its government and is morally responsible for the decisions it makes: a moral agent with rights and duties specified by the morality of states. Nor does the analogy prevent us from inquiring into the moral responsibility of public officials and citizens for their government’s policies. The idea of a morality of states permits us to focus on the duties of states, on the conduct we can demand of them and for which we can hold them and those who compose them accountable. This concern may not exhaust the subject of international and global justice but it is certainly part of it.

The cosmopolitan objection that relations between states are not the proper focus of discussions of international justice because states are not moral agents is reinforced by ideas about ‘globalization’, a term we can leave undefined for present purposes. Along with other debates about international affairs, the justice debate is shifting (for better or worse) from the society of states to a global society whose members are human beings, not states. The publication of countless articles and books on ‘global’ or ‘cosmopolitan’ justice is evidence of this shift. Cosmopolitans do not necessarily deny that states are moral agents with rights and duties, but they insist that a theory of international justice must begin with the rights and duties of individuals, not only as citizens or as members of various religious, ethnic, and other groups or associations, but also simply as persons. For internationalists as well as realists, global justice is a myth because the unitary global society it postulates does not exist, except as an ideal. Against this dismissal, the theorists of global justice argue that the internationalist idea of a society of states itself implies a universal moral order within which states have a right to exist and a duty to coexist. Even the realist idea that states have a right to self-preservation can be taken as implying such an order. Furthermore, they insist, the rights of states must be related in some way to the rights of the persons who compose them and whose good, however it may be understood, would seem to be the moral point of having states at all. To reconcile these realist, internationalist, and cosmopolitan arguments, a theory of justice in world affairs will have to clarify the relationship between international and global justice.

To do that, we need to distinguish conceptual relationships from those that are contingent or factual. The argument that international and global justice are conceptually related is quite independent of the factual claim that globalization has made states less important than in the past. It is probably too soon to evaluate that claim. Looking back on the last few decades, future scholars may reject the globalist’s conclusion that the territorial state, and therefore the states system, was disappearing. This is not to deny the changes identified as globalization, but only to exercise caution in interpreting their long-term significance. The more history one knows, the better one understands that the story of the ‘Westphalian’ system of sovereign states is a highly theoretical abstraction. The word ‘state’ covers such a wide diversity of arrangements as to warrant doubt about at least the details of that story. States have always been unstable, forming and reforming through conquest or confederation, inheritance or civil war, and their authority has always been contested by internal and external competitors. The meaning of ‘sovereignty’ has also been controversial from the start. Precisely because it *is* an abstraction from contingencies, the idea of the state remains useful in political theory by focusing inquiry on the framework of laws within which justice is secured (or abused) in relations between citizens internally and states externally. Much that has been written on transnational democracy, global civil society, and cosmopolitan justice simply ignores the link between democracy and law, justice and coercion. Political theory needs to pay attention to sovereignty and law because we live in a world in which states—legally ordered civil societies—are still important.

Let us return to the idea that the word ‘justice’ occurs prominently in connection with international relations in two contexts, military and economic. There is a discourse of justice in war (‘just war theory’) and a discourse of justice in relation to economic inequalities. The

latter can be understood as raising questions of justice either between states ('international distributive justice') or within a global community ('global distributive justice'). Yet apart from the topic of humanitarian intervention, where they intersect significantly, the military and economic discourses have so little in common that one might think their common use of the word 'justice' is merely accidental. Each debate has generated a literature with its own characteristic questions and answers and its own conceptual vocabulary for expressing them. These literatures are extensive and diverse, and therefore hard to generalize about. But three differences between them can be identified that might bear scrutiny: their longevity, internal agreement, and logical coherence. The just war literature has a venerable history, displays much internal agreement, and is defined by a set of core principles that are interconnected and robust because they are grounded in a highly coherent moral understanding. There is nothing comparable in the distributive justice literature. Let's consider each of these differences in turn.

First, the literatures of just war and distributive justice have quite different histories. Moralists have debated the question of just war in the context of international relations since the emergence of the modern state in the sixteenth century, and the antecedents of that debate stretch back through medieval canon law and moral theology to Roman law and religion. Key just war ideas—just cause, right intention, proper authority, the distinction between *jus ad bellum* and *jus in bello*, and noncombatant immunity—can be traced back to antiquity. Comparatively speaking, international distributive justice has scarcely any history at all. The modern idea of distributive justice—the idea that economic inequalities require justification, that justice is concerned with the allocation of economic resources in a community, and that it is the responsibility of government to reallocate those resources—did not exist before the eighteenth century. Before then, the expression 'distributive justice' meant that goods like honor or political office should be distributed according to merit, which is not what it means today.³ At the international level the discussion of distributive justice in the modern sense of economic or social justice doesn't really get going among political theorists until the 1970s with some seminal essays on the problem of famine relief followed by efforts to articulate principles of international distributive justice derived from the domestic principles articulated in John Rawls's *A Theory of Justice*.⁴ Rawls had argued that his principle of distributive justice, the 'difference principle', applied only within states, and this provoked his critics to sketch a Rawlsian theory of global justice. There is now a substantial literature that treats economic inequality between people living in different parts of the world as a problem of justice. One might find antecedents in, say, Marx's writings on colonialism, but this would be a stretch because those writings focus on exploitation, not distribution, and Marxist theory in any case has little use for the idea of justice.

Second, the two literatures display different degrees of agreement among those who contribute to them. 'Justice' has an agreed meaning in the just war literature, but in the distributive justice literature it does not. Just war thinkers agree that it is permissible to use military force, but only to thwart impermissible uses of military force. Those who reject this proposition—realists, militarists, and holy warriors on one side, and pacifists on the other—define themselves out of the just war tradition. In the case of distributive justice there is no comparable principle around which a consensus has formed and on the basis of which we can identify a tradition. The line between just and unjust distributions cannot be drawn in such a

way as to command general acceptance because there is no agreed criterion for distinguishing between them, only the idiosyncratic proposals of particular theorists. Of these proposals the one that is most discussed, Rawls's difference principle, is much more hotly contested than the basic principle of just war. And that Rawls himself thought it inappropriate to apply the difference principle internationally illustrates the deep disagreement that characterizes the distributive justice debate. The participants in that debate disagree about whether the subjects of distributive justice are states or persons. They disagree about the scope of distributive justice, which some limit to economic inequality and others extend to a broader range of concerns. And they disagree about the concepts on which redistributive arguments should depend: human rights, basic rights, basic goods, needs, preferences, or capabilities. One could dispute the comparison by pointing to disagreement among those contributing to the broader literature on ethics and war, within which just war discourse is merely one strand, and to substantial agreement among, say, Rawlsian cosmopolitans like Charles Beitz and Thomas Pogge, but that defensive comparison highlights rather than undermines the point.

Third, the two literatures rest on different premises. Both are about justice, but they are about different kinds of justice or different meanings of the word 'justice'. The just war literature war is largely about conduct. It is about states and individuals behaving justly in using military force, and about the principles by which that conduct should be judged. The distributive justice literature, in contrast, is primarily about possession, not conduct. It is about 'who *has* what', not 'who *does* what', about the fair distribution of wealth or other goods—physical security, food, water, shelter, jobs, education, medical care, technology, and so on—that people need to live decent lives. A more promising way to think about economic justice might be to abandon the assumption that we should start with 'stuff' and ask how it should be distributed, and instead start with agents (who might be either natural or artificial persons) and ask what principles should govern their conduct towards one another. Most who write about distributive justice acknowledge that even extremely unequal distributions of substantive goods are not necessarily unjust. Whether a distribution is fair depends on what is being distributed and on the procedure that generated it. As Michael Walzer argues in *Spheres of Justice*, different goods imply different principles of distribution.⁵

Furthermore, we need to know how a given distribution came about. This is Nozick's point.⁶ Distributions are the residue of past actions. Their justice or injustice derives at least in part from the justice or injustice of the actions that produced them. Those who write about distributive justice often ignore this point by placing historical considerations in the category of corrective or restorative rather than distributive justice, thereby reinforcing the idea that distributive justice concerns the distribution of substantive goods, not the rectification of particular injustices. And they often assume that what ought to be distributed is some generic good—money or 'utility'—rather than specific goods like antiretroviral drugs or Nobel prizes, or burdens like taxes or fines, or things that they treat as substantive goods but that are not easily thought of in that way, like rights and opportunities.

If the two discourses—just war and distributive justice—are about the same thing, one would expect them to be united by a common core of principles—a single conception of justice that works in each. It is therefore natural to ask whether justice in war and justice in economic distribution can be brought within the framework of a single theory. One way to

approach that task would be to take the moral principles that underlie and give coherence to just war discourse, which are principles of coercion, and make those principles the basis of a discourse of international distributive justice. Making the question of permissible coercion central to the discussion of distributive justice would not only clarify its relationship to the just war discussion, it would also clarify the relationship between agency and coercion: that only agents can be coerced. In short, the just war debate might help to make the distributive justice debate more coherent in two ways: by refocusing it on the actions of agents and the circumstances under which agents can rightly be coerced. This would mean investigating the circumstances under which nonmilitary coercive measures—an emergent global tax system, for example—could be justified to ameliorate injustices related to poverty. This is clearly a big undertaking. As a start, I'd like to suggest that the humanitarian intervention debate provides some clues about how an argument bridging the two discourses might go.

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To see how understanding the moral logic of humanitarian intervention can bring us closer to theorizing international justice in a way that might unite just war theory and theories of international distributive justice, we must consider the arguments by which coercive intervention is rationalized, especially those that focus on the duty rather than the right to intervene.

Let's begin with the link between justice and coercion sketched in Section 2, and with the broadly Kantian understanding of morality it presupposes. Assume that everyone has a moral duty to avoid coercively interfering with everyone else's freedom, except as necessary to thwart coercive interference. Unless coercion is a response to coercive interference, it is 'violence' and, as such, unjust because it violates the respect owed to every human being. It follows that violence, in the sense stipulated, should be resisted. Coercion is morally justified when it is used by those who are defending themselves *or others* against violence, but not when it is used to resist morally justified coercion. Innocence, in the sense that a person is not engaged in coercive interference—that is, in harming or threatening to harm others—is the premise of all morally justified coercion. A fuller treatment of these propositions would have to say more about the ideas of coercion, violence, force, threat, interference, harm, innocence, and so forth, but for present purposes we can pass over these complexities.

The core of just war theory is today often taken to be self-defense. Self-defense is the only just cause recognized in positive international law, for example. In its crudest version, the argument is that states, like individuals, enjoy a right of self-preservation, so if a state is attacked it may fight to repel that attack. A more nuanced version is that the right of self-defense is a right to respond only to attacks that are themselves unjustified ('aggression'). The question, as Anscombe famously put it, is not who strikes the first blow but who is in the right.⁷ Once the issue of right is seen to be crucial, the ideas of self-preservation and self-defense recede in importance. Aggression implies innocence on the part of the victim of an attack, for if the victim had acted in such a way to warrant an attack—as in cases of justified preemption or punitive reprisal—the attack would not be 'aggression'. Aggression is a wrongful attack on an 'innocent' state, that is, one that is not itself engaged in violence. Anyone may rightly defend the innocent. It is permissible for one to use force not only to

thwart violence aimed at oneself (that is, in self-defense) but also when it is aimed at others. If a state is wrongly attacked, other states may come to its assistance by using force to repel the aggressor. Protecting the innocent is justified, in principle, no matter who the victim is. Just war principles, then, involve a specific interpretation of the general principle of respect.

The premise of humanitarian intervention, within a just war framework, is that people are being attacked by their own government or by others whose violence that government will not or cannot suppress. Such violence is also aggression, and not only may its innocent victims defend themselves but other states may intervene to thwart it. That intervention is no less ‘just’ than self-defense against aggression. Self-defense is simply protecting the innocent when the victim of violence happens to be oneself. Where the victim is within the jurisdiction of another state, the normal duty to avoid coercion within that jurisdiction is waived. A state cannot invoke its sovereign rights to bar intervention when it is guilty of violence against its own people. There are threshold and other issues, but this is the general principle.

We speak of defense or protection as being just or unjust, justified or unjustified, but that vocabulary obscures the distinction between being *permitted*—having a right—to use coercion and being *obligated*—having a duty—to act. Is there such a duty? Let us call this putative duty the ‘duty to protect’ or ‘the responsibility to protect’. Those expressions have emerged in the humanitarian intervention debate to shift attention from the right to intervene to the more perplexing questions of whether states have a duty to intervene and what the scope of that duty might be.⁸ The claim that intervention is morally required is stronger than the claim that it is morally permissible.

The principle underlying the *right* to intervene, as I’ve presented it, is that a state enjoys the rights of political sovereignty and territorial integrity only if it is governed in a morally tolerable way. Its government may not use or permit violence within its jurisdiction. A state that fails to meet this condition commits aggression against its own people and loses its immunity to coercion. It is permissible for any state to use force against another state if doing so is necessary to defend people against violence. This way of putting it makes explicit that it is not only the victim or those who have a special relationship with the victim who are permitted to use coercion, but anyone.

The principle underlying the *duty* to intervene—that there is a duty to protect the innocent from violence—is less easily stated. To say that there is a duty to protect people from violence is to say that it is impermissible not to protect the victims of violence. That is a strong claim. There are two ways of grounding it within the framework of the broadly Kantian understanding of morality that I am using, provisionally, to explore how the just war and distributive justice discourses might be integrated theoretically.

The first is by appealing to the principle of beneficence, according to which every person has a duty to further the well-being of others. That principle follows from Kant’s second formulation of the fundamental principle of morality, sometimes called ‘the principle of respect’: ‘Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.’⁹ Respecting other human beings as ends in themselves means not using them for purposes of one’s own except in so far as they freely

choose to cooperate, and this excludes obtaining their cooperation by force or fraud. But it also means acting to further the well-being of others by helping them to achieve their ends and to develop their capabilities in morally permissible ways. This duty of beneficence covers a wide range of situations in which people may need assistance. Those providing such assistance are not obligated to do more than they reasonably can, however, given that they have concerns of their own, and those receiving assistance must try to secure their own well-being, to the extent that they can, if efforts to assist them are not to be wasted. And no-one may provide assistance by morally impermissible means. These conditions are only the beginning of what must become a complicated casuistry when the principle of beneficence is applied to actual situations, but the principle itself is clear enough.

But if this principle of beneficence is the foundation of humanitarian intervention, it is a rather shaky one. Although states—their governments and people—are forbidden to watch with indifference while people in other countries are massacred or oppressed, they are not required to intervene unless they can do so effectively and at reasonable cost. They should help the victims of violence, but how they should help them depends on contingencies and cannot be specified by a rule. There is a duty to intervene but potential interveners must decide how they can best perform that duty, or even whether they can do anything at all. In the modern natural law tradition, the duty of beneficence is sometimes called an ‘imperfect duty’, though just what this means is a matter of disagreement. Some say that the required act is one that cannot be completely discharged, others that the duty is without a specified agent. For Kant, the distinction between a perfect and an imperfect duty is between one that is enforceable and one that is not. People can’t be forced to perform an imperfect duty—for example, by being fined if they fail to perform it. For Kant, beneficence is a ‘virtue’, which means it requires acting on the right motive. It follows, he thinks, that the duty of beneficence cannot be enforced because people cannot be compelled to act from proper motives.¹⁰ So if the duty to intervene is based on beneficence, intervention remains an imperfect duty even in the face of genocide. There is a duty to protect but that duty is not enforceable, which means it cannot be made a matter of legal obligation. Viewed through the lens of beneficence, intervention is a matter of charity or humanity, not justice or law.

The second way to ground a duty to intervene within the framework of Kantian ethics is to bypass the principle of beneficence. Respect is manifested not only in beneficence but also in refusing to tolerate violence. One is not only permitted but required to resist it. We might call this ‘the principle of resistance’. So in addition to the beneficence-based duty to protect the victims of violence, there is an independently grounded duty to resist the violent, by force if need be. This ground is not ‘humanity’ but ‘justice’. Distinguishing these words helps us to see that it is misleading to call intervention to thwart violence ‘humanitarian’ intervention, because it is intervention for the sake of justice as well as humanity. It helps us to see that intervention might be a duty because failing to intervene not only leaves innocent people at the mercy of their tormentors but also leaves their tormentors free to act unjustly. To do nothing in the face of violence is to permit that violence and, doing so, to fail to respect its victims as persons. I fail to respect your rights as a person not only by attacking you but also by remaining indifferent while others attack you. One might even say that to permit violence is to fail to respect its *perpetrators* by failing to hold them accountable as moral agents. To avoid resisting violence, where resistance is possible, is in effect to condone it and to become

a passive accomplice. We resist violence, or support resisting it, not merely to protect its victims but to uphold everyone's right not to be wrongly attacked, to be made a victim of aggression, violence, and injustice. In helping to thwart the attack we defend both the victim and the right.

The difference between the two argumentative strategies—arguing from a duty to assist (beneficence) and from a duty to resist (justice)—can be brought out by noticing that the beneficence argument approaches the question of humanitarian intervention by focusing on the victim of violence. To intervene is to rescue or otherwise protect the victim. But we can also focus on the violent. They are acting unjustly and their unjust conduct should be stopped. Here, to intervene is to thwart the perpetrator, whose injustice it would be wrong to tolerate. Violence must be resisted if the principle of respect and the moral laws that follow from it are to be maintained. Failing to resist those who commit the crimes—genocide and other 'crimes against humanity'—that warrant international intervention is unjust in the same way that failing to resist an international aggressor is unjust. It fails to uphold the laws of civilized existence against the rule of violence.

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One might wonder whether it matters how one grounds the duty to protect: there is, in either case, a duty to intervene or to support intervention by appropriate agents or institutions. One way that it might matter is theoretically: by bringing in beneficence or humanity, one severs the link between humanitarian intervention and just war morality because beneficence plays only a secondary role in that morality. The moral objection to targeting noncombatants, for example, is not that it is inhumane but that it is unjust. Another way it might matter is practically, for the duty to thwart injustice leaves less to discretion than does the duty of beneficence. If it is wrong to tolerate violence, the injustice of standing by while people are being violently attacked is clear and culpable. But if the duty is that of assisting people threatened with nonviolent harm, choosing not to assist them may be merely callous, not unjust. If it were merely a question of beneficence, we might criticize the government of a country as indifferent or selfish if it were able to relieve famine in another country but failed to do so. But we could not say that it had acted unjustly, compel it to act, or seek to punish it for this failure.

Suppose, for example, that someone is attacked not by another person but by a wild animal. Such an attack is not 'violence' (wrongful coercion) because an animal is not a person. It is not a 'moral agent' whose actions can be seen as violating moral standards and judged according to those standards. An attacking animal might be said to 'interfere' causally with one's activities, plans, and freedom of action, but it does not interfere 'wrongly'. It may inflict 'harm', but it cannot inflict wrongful harm. Is there a duty to protect in this sort of situation? It seems obvious that we should attempt to rescue fellow human beings from death or bodily injury, if we can, regardless of the source of the harm. What matters, we think, is not that the victims are threatened by 'violence', in the technical sense of wrongful harm, but that they face grave harm from any cause, human or natural. We have a duty to protect others from violence but we also have a duty to protect them from nonviolent harm.

But if we say that there is a duty to protect in such cases, just how far does that duty extend? People are attacked by mosquitoes, microbes, lightning, and many other things. We might justify helping them on the principle of beneficence, but if that is the case, it would seem that the duty to protect would often not be properly enforceable—that to enforce the duty of beneficence, which is an imperfect or unenforceable duty, would itself be wrongful interference. But *if* that were the case, performing the duty would be optional, and the idea of an ‘optional duty’—one that it would be permissible not to perform—is incoherent. The only way to interpret the word ‘optional’ while preserving the meaning of ‘duty’ is to say that what is optional is not *whether* to perform the duty but *how* to perform it.¹¹ Imperfect duties are duties to bring about an end by pursuing a policy, and what remains within the discretion of the agent is not whether to perform it but only the choice of how best to achieve that end. If there is an imperfect duty of beneficence, it means that everyone is morally required as a matter of policy to help others achieve their legitimate purposes—including, in extreme cases, the purpose of surviving violence or other harm—but that how one does this is up to each. Whether one has adequately performed one’s duty of beneficence might be hard to say, however, except in the case in which one makes a principle of not helping others.

If the duty to protect means that there is a duty to prevent (or cooperate in preventing) violence but not to prevent nonviolent harm, states would have a duty to protect people from violent attacks if they could, but no duty to protect them from accidents, disease, starvation, or other calamities. There would be a duty to intervene to thwart crimes against humanity. But there would be no duty to intervene to prevent famine or disease or to ameliorate poverty unless those conditions were a consequence of ‘violence’. There would be a ‘duty to protect’, but the duty implied by that expression would be limited to protecting the innocent from ‘violence’ or its consequences. Of course, it would be hard to distinguish which of those conditions were the result of violence and which the result of misfortune. And because the history of the world is a history of force and fraud, famine, disease, and poverty is almost always to some degree the result, however indirect, of ‘violence’. So, practically speaking, there might not be much difference between a duty to protect people from violence and its consequences and a duty to protect people from other kinds of harm.

If, however, the duty to protect means preventing nonviolent as well as violent harm, the result is an explicit ethic of mutual aid or social responsibility. People have a duty to be concerned with the welfare of others that goes far beyond protecting them from violence. The question here is whether one can ground this concern on something other than the relatively weak principle of beneficence. If, for example, there were a global tax to fund medical care or provide capital for small business enterprises in regions of endemic poverty, would this be a morally permissible form of coercion? If states were required to contribute to a fund for that purpose, and in turn taxed their own citizens to support it, would that be unjust? Many people think that taxation for poverty relief is not necessarily unjust, and that the failure to provide remedies for disasters, disease, and poverty is morally culpable. If that claim is reasonable, we need a principle to justify it. In the context of the present discussion, the two candidates are the principle of beneficence, understood as a principle of action, not motivation, and the principle of respect itself, unmediated by beneficence. To do nothing while people starve or suffer from curable diseases is not merely inhumane; it fails to respect those people as human beings by making their wellbeing a matter of indifference.

On one interpretation, then, the duty to protect is not enforceable. We have a duty to assist those in need, according to our ability to provide useful assistance and within the limits of reasonable cost, but we cannot be compelled to help. That means we can't be punished for not helping, but it also means that we can't be taxed or drafted or otherwise coerced to provide relief for nonviolent harms or suffering.

On another interpretation, the duty *is* enforceable. We can rightly be compelled to help prevent people from suffering nonviolent harm because such action is required by the respect we owe to every human being. This obligation of respect bars us from turning away from avoidable suffering, whether or not it is the consequence of violence. The Kantian principle of respect implies that people must be able to assert their rights as persons. They must enjoy a certain minimum independence sufficient to prevent them from being dependent on the choices of other people. From this it follows that laws that protected people from the consequences of nonviolent harm might be justified on the ground that they were needed to secure the independence implied by the principle of respect. Furthermore, as Kant himself argues, a state may tax the wealthy to support the poor not only on moral but on prudential grounds.¹² At the level of international relations, both prudence and morality, support the cooperation by states and, indirectly, by their citizens, in arrangements to prevent disasters and to deal with disease, ignorance, and poverty, as well as to prevent violence. And in so far as it is grounded morally on the principle of respect, such cooperation can without injustice be coercively required through UN assessments or some other form of international taxation. If states—people everywhere, acting through their governments—have a duty to protect the victims of violence in other states because that duty follows from the principle of respect, they may also have a duty to protect the victims of nonviolent harm in circumstances in which failing to do so would be to violate the principle of respect.

One of the puzzles raised by the idea of a duty to protect concerns the agent upon whom the duty falls. Some who write on humanitarian intervention argue that the duty to intervene falls on the international community as a whole. But that community is not an agent unless it is organized to make decisions, and the current international community is not well organized in this respect. Even if we choose to regard the duty to intervene as an enforceable duty, it cannot be enforced until an agent is specified to do the intervening. If that duty falls on every state, those states can join in establishing institutions to perform it. This suggests a general moral argument for international government—at a minimum, for establishing and developing political institutions to prevent violence not only between but within states. Even if states are unable to respond directly to violence in other states, they have a duty to support just and effective institutions at the international level to control it, and they must comply with the laws and policies of those institutions.

Our moral vocabulary is responsible for some of the obscurity in the idea of the duty to protect. How can there be a 'duty' without its being the duty of a specific agent? The international community as a whole is not such an agent, though there exist agencies that purport to act on behalf of that community, such as the self-appointed 'coalitions of the willing' that occasionally convene to pursue some collective purpose which they attribute to the larger community. Even the UN, the IMF, the World Bank, and other such institutions are

better understood as agencies *within* rather than *of* the international community.¹³ The more decentralized the decision process in a community, the more metaphorical it becomes to attribute agency to it. ‘Duties’ are not things that exist apart from agents and actions. They are prescriptions to agents to act in particular ways: to perform or to refrain from performing actions of a certain kind or to pursue certain ends. It is sometimes argued that humanitarian intervention is a duty even though it is not the duty of any individual state. Each state has a duty to do *something*, but not necessarily to intervene unilaterally.¹⁴ Even if an international organization like the UN has a duty to intervene, it does not follow that no individual state has such a duty. On the contrary, if a state is in a position to provide assistance and no other state or organization is able to do so, it should provide that assistance. If it fails to act, it has acted unjustly and may be held responsible for its failure. States should perform their duties through the institutions they have established for that purpose, but if those institutions are ineffective or corrupt, their mere existence cannot be a decisive obstacle to acting as justice requires.

7

I’ve been exploring the hypothesis that at the center of a unified and coherent theory of international justice is the idea of the duty to protect, a duty that is itself grounded on the Kantian principle of respect. That hypothesis rests on several premises: that international justice is not about the distribution of substantive goods but about just and unjust conduct, and that it is not about what it would be good or even morally right for states to do, but about what states could, in principle, properly be compelled to do. The thought motivating the exploration of that hypothesis is that linking principles of international distributive justice to the idea of morally permissible coercion might bring focus, coherence, and stability to the discussion of international distributive justice. The idea of morally permissible coercion underlies just war thinking in general and thinking about humanitarian intervention in particular. If it could be shown that the idea of morally permissible coercion can also ground principles of distributive justice, perhaps through a broad interpretation of the duty to protect, one might then be able to construct a theory of international justice that overcomes what is now a sharp division between the discourses of just war and distributive justice.

My argument has been that we might begin by thinking of just war principles as grounded on the idea of a duty to protect people from violence. That duty is both a duty to protect the victims of violence and a duty to resist the violent. The idea that violence should be resisted explains why self-defense is justified to resist aggression and why humanitarian intervention is justified to resist crimes against humanity. This leads us to ask whether international distributive justice might be given a similarly robust grounding by linking it to the duty to protect. Rethinking humanitarian intervention in terms of the duty to protect leads us to conclude that if states have a duty to intervene when people in other countries are being massacred, they might also have a duty to act when people are dying of starvation or disease. Just war doctrine is based on a duty to thwart the violent—to prevent unjust coercion both for the sake of those coerced and for the sake of justice. This suggests that states acting either together or separately may have a duty to intervene when (as is often the case) famine and other ills arise from unjust practices. That duty implies not only attempting to save those who are immediately threatened but also efforts to end the offending practices. Where suffering is the result of unjust practices, more than charity or beneficence is called for. Justice itself

demands a remedy. Suffering is clearly unjust when it is the result of violence, understood as wrongful coercive acts or practices that warrant coercive remediation. But it is also unjust to tolerate suffering that is not the result of violence when such toleration violates the principle of respect. To allow others to starve when one has the means to prevent it is to act unjustly and therefore in a way that may justify coercive interference. Because duties of justice are those that could without injustice be coercively enforced, a coercive (tax-based) scheme of global poverty relief might be justified on either ground. This suggests that libertarian and liberal-egalitarian theories of justice are not necessarily as far apart as is often assumed.

For the theorist, what matters is not what you argue but how you argue it. Political theory, I began by suggesting, is not political activity under another name. The political theorist, as a theorist, stands apart from political activity and seeks to understand it in other terms, examining its arguments, defining its concepts, uncovering its assumptions, and placing it in a wider context to bring its character, presuppositions, and implications more clearly into view. This does not mean that political theorizing is sharply distinct from other kinds of theorizing—the natural or hermeneutic sciences, for example—because they, too, criticize arguments and assumptions. All theorizing, on this view, is marked by a certain detachment from what it studies. To the degree that it can free itself from practical concerns, political theorizing is theorizing about politics, not theorizing that is politics in the guise of theory. It may be true, as those who conceived the idea of ideology after the French Revolution argued, and their descendents (via Marx and Nietzsche) still maintain, that all thinking is ‘always already’ political because it makes assumptions about or has implications for political activity, and therefore that no theorist can escape the resulting biases and errors. But the ideas of bias and error presuppose those of objectivity and truth, and therefore the possibility of identifying and escaping particular biases and errors. It may be hard to do that, but the lesson here is that the theorist of politics should try to avoid ideology, not embrace it. This need not imply a single standard of objectivity, truth, or reality that is beyond criticism; inquiries in different areas of knowledge rely on different standards for judgement and criticism. Each inquiry makes sense within its own presuppositions but remains open to criticism and revision. Theorists of politics are concerned, as theorists, to seek a critical and objective understanding of politics, just as scientists and historians are concerned to make their own investigations objective by conducting controlled experiments or criticizing historical sources. Political theory, according to this view, differs from other kinds of political thought in being more self-consciously critical of its own aims and assumptions. To the extent that it succeeds, it is political in being about politics, not in being itself political. A political theory, as the product of theorizing, is something other than a political program or political ideology.

Notes

- ¹ I discuss this definition of justice more fully in ‘Justice and coercion’, in *International society and its critics*, ed. Alex J. Bellamy (Oxford: Oxford, 2005).
- ² Charles R. Beitz, *Political theory and international relations* (Princeton: Princeton, 1979), pp. 8, 65–66, 68, 121–22.
- ³ Samuel Fleischacker, *A short history of distributive justice* (Cambridge, Mass: Harvard, 2004).
- ⁴ John Rawls, *A theory of justice* (Cambridge: Harvard University Press, 1971). E. H. Carr had earlier discussed the claims of ‘have-not states’, offering Mussolini’s Italy and Hitler’s Germany as examples.
- ⁵ Michael Walzer, *Spheres of justice: a defense of pluralism and equality* (New York: Basic Books, 1983).
- ⁶ Robert Nozick, *Anarchy, state, and utopia* (New York: Basic Books, 1974).
- ⁷ G. E. M. Anscombe, ‘War and murder’, in *Ethics, religion and politics: collected philosophical papers, volume III* (Minneapolis: Minnesota, 1981), p. 52.
- ⁸ International Commission on Intervention and State Sovereignty, *The responsibility to protect* (Ottawa: International Development Research Center, 2001).
- ⁹ Immanuel Kant, *Foundations of the metaphysics of morals*, trans. Lewis White Beck (Indianapolis: Bobbs-Merrill, 1959), p. 47.
- ¹⁰ Immanuel Kant, *The metaphysics of morals*, in Kant, *Practical philosophy*, trans. Mary J. Gregor (Cambridge: Cambridge, 1996), p. 395.
- ¹¹ Carla Bagnoli, ‘Humanitarian intervention as a perfect duty: a Kantian argument’, in Terry Nardin and Melissa S. Williams, eds., *Humanitarian intervention* (New York: NYU, 2006), p. 124.
- ¹² Kant, *The Metaphysics of morals*, p. 468.
- ¹³ Chris Brown, ‘Moral agency and international society’, *Ethics and International Affairs* 15:2, Fall 2001.
- ¹⁴ Kok-Chor Tan, ‘The duty to protect’, in Nardin and Williams, *Humanitarian intervention*, p. 103.