Epoka University

Ethics and International Affairs (PIR 230)

A Reader

By
Dr. Islam Jusufi

Epoka University
Department of Political Science and International Relations
Tirana, February 2018

Contents

Preface

This Reader brings together materials related to the International Ethics. More specifically, it is related with the materials on the course "Ethics and International Affairs" (PIR 230), taught at Bachelor program in the Political Science and International Relations at Epoka University.

Lecturer

Dr. Islam Jusufi,
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Islam Jusufi, PhD: Lecturer and Head at the Department of Political Sciences and International Relations at Epoka University, Tirana, Albania. Studied Politics at University of Sheffield and International Relations at Universities of Amsterdam, Bilkent and Ankara. He held fellowships at the Wilson Centre, Washington DC; EU Institute for Security Studies, Paris; ERSTE Stiftung, Vienna; UNESCO, Paris; Centre for Policy Studies, Budapest; and NATO, Brussels. His research interests relate to international, European and Balkan politics and security studies.

Assignments

Essay (value: 10%): Each student will prepare an Essay. It should be: a. original, b. related to a topic covered in the course, and c. applied to Albania. Deadline for delivery of Essay (two days before the start of the mid-term exam week). Essays should be between 800-1000 words, uploaded to Turnitin.

Presentations (value: 10%): After the mid-term exam period, students will present their essays. All presentations will be presented in seminar format. No power point. 10 minutes of oral presentation.

Evaluation format for Essays:

Name of student	Content (out of 50 points)	Organization (out of 10 points)	Mechanics - Language (out of 10 points)	Citations and References (out of 10 points)	Style of writing (out of 10 points)	Format (out of 10 points)	TOTAL (100 points)

Evaluation format for Oral Presentations:

Category	Scoring Criteria	Total Points	Score
Organization (10 points)	The type of presentation is appropriate for the topic and audience.	5	
	Information is presented in a logical sequence.	5	
Content (45 points)	Introduction is attention-getting, lays out the problem well, and establishes a framework for the rest of the presentation.	5	
	Technical terms are well-defined in language appropriate for the target audience.	5	
	Presentation contains accurate information.	10	
	Material included is relevant to the overall message/purpose.	10	
	Appropriate amount of material is prepared, and points made reflect well their relative importance.	10	
	There is an obvious conclusion summarizing the presentation.	5	
Presentation (45 points)	Speaker maintains good eye contact with the audience and is appropriately animated (e.g., gestures, moving around, etc.).	5	
	Speaker uses a clear, audible voice.	5	
	Delivery is poised, controlled, and smooth.	5	
	Good language skills and pronunciation are used.	10	
	Visual aids (if not visual aids), the posture is effective, and not distracting.	5	
	Length of presentation is within the assigned time limits.	5	
	Information was well communicated.	10	
Score	**Total Points**	**100**	

Syllabus and Slides

COURSE INFORMATON
Course Title: Ethics and International Affairs

Code	Course Type	Regular Semester	Lecture	Recit.	Lab.	Credits	ECTS
PIR 230	A	4	3	0	-	3	5

Lecturer and Office Hours	Dr. Islam Jusufi (ijusufi@epoka.edu.al), E-building
Teaching Assistants and Office Hours	Ms. Ajsela Toci (atoci14@epoka.edu.al), E-building
Language	English
Compulsory/Elective	Main
Classroom and Meeting Time	
Description	This is a course on ethics and morality in international politics. Through examination of key theories on ethics in international relations, and through their application in concrete cases, the course addresses important ethical issues of world politics. This course is designed to challenge students to make decisions about the role ethics should play in international relations.
Objectives	This course aims to introduce students to the field of ethics and familiarise them with basic ideas about its relevance to international politics. The course also aims to develop key academic writing skills and equip students with a range of important skills; managing a varied workload; and preparing written reports and verbal presentations.

COURSE OUTLINE

Weekly lessons	Topics
1	**a. Course introduction, overview of texts, and expectations** **b. Ethics and Foreign policy** Must readings: Chandler, pages: 3-13. Shapcott, pages: 1-10.
2	**Ethics in International Relations** Must readings: Frost, pages: 1-53.
3	**Ethical traditions in International Relations** Must readings: Nardin, pages: 1-21 Optional: Nardin, pages: 297-322.
4	**Normative turn in foreign policy** Must readings: Chandler, pages: 117-131. Optional: Whitman, pages: 171-189.
5	**Ethics and legitimacy** Must readings: Rosenthal, pages: 155-179.

	Optional: Chandler, pages: 161-180; 206-219.
6	**Global ethical practices** Must readings: Frost, pages: 54-95.
7	**Ethical incoherence: individual rights versus states' rights** Must readings: Frost, pages: 96-149.
8	**Justice and international politics** Must readings: Sen, pages: 1-27. Optional: Beitz, 360–389. Nagel, pages: 113–147.
9	**Ethics in Hiroshima and Nagasaki atomic bombing** Must readings: Newman, pages: 115-152. Optional: Frank, Why Truman Dropped the Bomb. US History, The Decision to Drop the Bomb. Film: Original Child Bomb. Film: The Decision to Drop the Atomic Bomb.
10	**Ethics in inaction in Rwanda** Must readings: Walzer, pages: 67-81. Optional: Des Forges, Shame. Ferroggiaro, U.S. and Genocide in Rwanda. Walzer, pages: 33-50. Film: Shake Hands with the Devil (2007)
11	**Ethics in the War in Iraq and in fight against terrorism** Must readings: Walzer, pages: 143-168. Optional: Frost, pages: 45-53. Luban, Torture, American-Style. Rejali, Five Myths about Torture and Truth. Hersch, Torture at Abu Ghraib. Documentary: PBS Frontline's "The Torture Question". Film: "Ghosts of Abu Ghraib". Film: The Fog of War.
	Ethics and the Use of Force

EPOKA UNIVERSITY
FACULTY OF ECONOMICS AND ADMINISTRATIVE SCIENCES
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS
COURSE SYLLABUS

12	Must readings: Rosenthal, pages: 67-82; 85-99. Optional: Arend, pages: 89-102. Walzer, pages: 3-23.
13	**Ethics of Foreign Aid (and concluding review of the course)** Must readings: Rosenthal, pages: 307-314. Rawls, pages: 105-120. Optional: Kuper, pages: 107-120; 125-126. Rosenthal, pages: 285-301; 317-327; 329-333. Singer, pages: 121-124; 127-128.
	MID-TERM EXAM (is held in one of the weeks in the middle of the semester)
	FINAL EXAM (is held in the weeks of 15-16 of the semester)
Prerequisite(s)	Class attendance and participation; papers; presentations.
Textbook	Must readings: Chandler, D. & Heins, V. (2007). *Rethinking Ethical Foreign Policy: Pitfalls, possibilities and paradoxes*. London: Routledge. *(Available Online)* Frost, M. (2009). *Global ethics anarchy, freedom and international relations*. London: Routledge. *(Available Online)* Nardin, T. & Mapel, R. D. (1992). *Traditions of International Ethics*. Cambridge: Cambridge University Press. *(Available Online)* Newman, R. (1995). *Truman and the Hiroshima Cult*. Michigan: Michigan State University Press. *(Available Online)* Rawls, J. (1999). *The Law on Peoples*. Cambridge: Harvard University Press. *(Available Online)* Rosenthal, J. H. & Barry, C. (2009). *Ethics & International Affairs, A Reader*. Washington DC: Georgetown University Press. *(Available Online)* Sen, A. (2009). *The Idea of Justice*. Cambridge: Harvard University Press. *(Available Online)* Shapcott, R. (2010). *International Ethics: A Critical Introduction*. Cambridge: Polity Books. *(Available Online)* Walzer, M. (2004). *Arguing About War*. New Haven: Yale University Press. *(Available Online)*

Other References	Optional readings:
	Arend, A. C. (2003). International Law and the Preemptive Use of Military Force. *The Washington Quarterly, 2,* 89-103. *(Available Online)*
	Beitz, C. R. (1975). Justice and International Relations. *Philosophy and Public Affairs, 4,* 360-389. *(Available Online)*
	Des Forges, A. L. & Kuperman, A. J. (2000). Shame: Rationalizing Western Apathy on Rwanda. *Foreign Affairs.* *(Available Online)*
	Ferroggiaro, W. (2001). U.S. and Genocide in Rwanda, 1994: Evidence of Inaction. *(Available Online)*
	Frank, R. B. (2005, August 8). Why Truman Dropped the Bomb. *The Weekly Standard.* *(Available Online)*
	Hersch, S. M. (2004, May 10). Torture at Abu Ghraib. *The New Yorker.* *(Available Online)*
	Kuper, A. (2002). More Than Charity/ Facts, Theories, and Hard Choices. *Carnegie Debate: Global Poverty Relief.* *(Available Online)*
	Luban, D. (2005, November 27). Torture, American-Style. *The Washington Post.* *(Available Online)*
	Nagel, T. (2005). The Problem of Global Justice. *Philosophy & Public Affairs 33*, 113–147. *(Available Online)*
	Nardin, T. & Mapel, R. D. (1992). *Traditions of International Ethics*. Cambridge: Cambridge University Press. *(Available Online)*
	Rejali, D. (2007, December 16). Five Myths about Torture and Truth. *The Washington Post.* *(Available Online)*
	Singer, P. (2002). Poverty, Facts, and Political Philosophies/Achieving the Best Outcome. *Carnegie Debate: Global Poverty Relief.* *(Available Online)*
	US History. The Decision to Drop the Bomb. *(Available Online)*
	Whitman, R. G. (2013). The neo-normative turn in theorising the EU's international presence. *Cooperation and Conflict, 48,* 171-189. *(Available Online)*

	Films and documentaries: Ghosts of Abu Ghraib. Original Child Bomb. Shake Hands with the Devil (2007) The Decision to Drop the Atomic Bomb. The Fog of War. The Torture Question.
Laboratory Work	-
Computer Usage	No
Others	

	LEARNING OUTCOMES AND COMPETENCIES	
1	To demonstrate a knowledge of major issues and concepts in the ethics of International Relations,	
2	To demonstrate an ability to use these concepts in particular circumstances,	
3	To demonstrate an ability to present an argument in both oral and written forms,	
4	To demonstrate basic understanding of the major ethics issues in world politics.	

COURSE'S CONTRIBUTION TO PROGRAM OUTCOMES
(Blank : no contribution, 1: least contribution … 5: highest contribution)

No	Program Learning Outcomes	Cont.
1	Having and using advanced knowledge and comprehension supported by textbooks including actual knowledge in political sciences and international relations literature, materials and the other scientific resources	5
2	Determining complex events and topics, making discussions and developing new suggestions in accordance with researches	5
3	Analyzing data, ideas and concepts of current political issues and international relations	5
4	Having knowledge and thought about actual topics and problems together with their historical, social and cultural aspects	4
5	Gaining IT skills to use computer and technology in order to reach actual knowledge	1
6	Improving skills of working together with the main social science disciplines and other disciplines which are related to Political Science and International Relations	3
7	Improving critical thinking and skills in making research independently	5
8	Developing solutions about the problems and conflicts which are common in national and international arena	5
9	Gaining skills to follow societal, scientific and ethic values during collecting, interpreting, conducting of data related to social and political developments	5
10	Knowing any foreign language enough to communicate with colleagues and understand actual researches and articles	4
11	Introducing those who are interested in politics and international events with the topics of Political Science and IR and teaching clearly the problems and the types of solutions	5
12	Improving skills for leadership and research and analyze capacity of those who is responsible with national and international ones	3
13	Having consciousness about human rights and environment	5

COURSE EVALUATION METHOD

In-term studies	Quantity	Percentage
Mid-terms	1	30
Essay	1	10
Presentation of Essay	1	10
Final Exam	1	40
Participation	1	10
Total		100
Contribution of in-term studies to overall grade		**60**
Contribution of final examination to overall grade		**40**
Total		100

ECTS (ALLOCATED BASED ON STUDENT) WORKLOAD			
Activities	**Quantity**	**Duration (Hour)**	**Total Workload (Hour)**
Course Duration (Including the exam week: 16x Total course hours)	16	3	48
Hours for off-the-classroom study (Pre-study, practice)	16	2	32
Assignments	6	1	6
Mid-terms	6	1	6
Final examination	16	1	16
Other	17	1	17
Total Work Load			**125**
Total Work Load / 25 (h)			**5.00**
ECTS Credit of the Course			**5**

PIR 230, Ethics and International Affairs

Dr. Islam Jusufi
Epoka University

Issues to cover today

A. Introduction of course.

• Review of course objectives.

• Useful references and reading material.

• Outline of subjects to be covered.

• Assignments.

B. Weekly lesson.

Fact sheet

- Course Title: Ethics and International Affairs, PIR 230.

- Course hours per week: Once a week, for 3 hours per week.

- Lessons: 13 weeks.

- Exams: Mid-term (in the middle of the semester); Final (15th and 16th weeks of semester).

- Assignments: Essay, Presentation of Essay.

Description and Objectives

- Course on ethics and morality in international politics.

- Examination of key theories on ethics.

- Application of concepts in concrete cases of world politics.

- Designed to challenge students to make decisions about the role ethics should play in international relations.

Learning outcomes

- Knowledge of ethics issues and concepts in IR.

- Ability to use these concepts in particular circumstances.

- Ability to present arguments in both oral and written forms.

Office hours

- By appointment.

- Students are encouraged to use office hours to discuss readings, exams, and any other matter, including their future professional development.

- Review of individual progress.

- via email: ijusufi@epoka.edu.al.

- Office: E-building.

- Assistant: Ms. Ajsela Toci (atoci14@epoka.edu.al), E-building.

Readings

- Wide range of sources.

- <u>Must</u> readings and <u>Optional</u> readings.

- Available with the lecturer.

- If students experience any difficulty accessing material, they should contact the instructor or the assistant immediately.

Must readings

- Chandler, D. & Heins, V. (2007). Rethinking Ethical Foreign Policy: Pitfalls, possibilities and paradoxes. London: Routledge.

- Frost, M. (2009). Global ethics anarchy, freedom and international relations. London: Routledge.

- Nardin, T. & Mapel, R. D. (1992). Traditions of International Ethics. Cambridge: Cambridge University Press.

- Newman, R. (1995). Truman and the Hiroshima Cult. Michigan: Michigan State University Press.

Must readings - 2

- Rawls, J. (1999). The Law on Peoples. Cambridge: Harvard University Press.

- Rosenthal, J. H. & Barry, C. (2009). Ethics & International Affairs, A Reader. Washington DC: Georgetown University Press.

- Sen, A. (2009). The Idea of Justice. Cambridge: Harvard University Press.

- Shapcott, R. (2010). International Ethics: A Critical Introduction. Cambridge: Polity Books.

- Walzer, M. (2004). Arguing About War. New Haven: Yale University Press.

Optional readings

- Arend, A. C. (2003). International Law and the Preemptive Use of Military Force. The Washington Quarterly, 2, 89-103.

- Beitz, C. R. (1975). Justice and International Relations. Philosophy and Public Affairs, 4, 360-389.

- Des Forges, A. L. & Kuperman, A. J. (2000). Shame: Rationalizing Western Apathy on Rwanda. Foreign Affairs.

Optional readings - 2

- Ferroggiaro, W. (2001). U.S. and Genocide in Rwanda, 1994: Evidence of Inaction.

- Frank, R. B. (2005, August 8). Why Truman Dropped the Bomb. The Weekly Standard.

- Hersch, S. M. (2004, May 10). Torture at Abu Ghraib. The New Yorker.

- Kuper, A. (2002). More Than Charity/ Facts, Theories, and Hard Choices. Carnegie Debate: Global Poverty Relief.

Optional readings - 3

- Luban, D. (2005, November 27). Torture, American-Style. The Washington Post.

- Nagel, T. (2005). The Problem of Global Justice. Philosophy & Public Affairs 33, 113–147.

- Nardin, T. & Mapel, R. D. (1992). Traditions of International Ethics. Cambridge: Cambridge University Press.

- Rejali, D. (2007, December 16). Five Myths about Torture and Truth. The Washington Post.

Optional readings - 4

- Singer, P. (2002). Poverty, Facts, and Political Philosophies/Achieving the Best Outcome. Carnegie Debate: Global Poverty Relief.

- US History. The Decision to Drop the Bomb.

- Whitman, R. G. (2013). The neo-normative turn in theorising the EU's international presence. Cooperation and Conflict, 48, 171-189.

Optional

Films and documentaries:

- Ghosts of Abu Ghraib.

- Original Child Bomb.

- Shake Hands with the Devil (2007).

- The Decision to Drop the Atomic Bomb.

- The Fog of War.

- The Torture Question.

Course Outline, Lessons 1-2

- Lesson 1: a. Course introduction, overview of texts, and expectations; b. **Ethics and Foreign policy.**

Must readings: Chandler, pages: 3-13. Shapcott, pages: 1-10.

- Lesson 2: **Ethics in International Relations**.

Must readings: Frost, pages: 1-53.

Lessons 3-4

- Lesson 3: **Ethical traditions in International Relations**.

Must readings: Nardin, pages: 1-21

Optional: Nardin, pages: 297-322.

- Lesson 4: **Normative turn in foreign policy**.

Must readings: Chandler, pages: 117-131.

Optional: Whitman, pages: 171-189.

Lessons 5-6

- <u>Lesson 5</u>: **Ethics and legitimacy**.

Must readings: Rosenthal, pages: 155-179.

Optional: Chandler, pages: 161-180; 206-219.

- <u>Lesson 6</u>: **Global ethical practices**.

Must readings: Frost, pages: 54-95.

Lessons 7-8

- Lesson 7: **Ethical incoherence: individual rights versus states' rights**.

Must readings: Frost, pages: 96-149.

- Lesson 8: **Justice and international politics**.

- Must readings: Sen, pages: 1-27.

- Optional: Beitz, 360–389. Nagel, pages: 113–147.

Lesson 9

- Lesson 9: **Ethics in Hiroshima and Nagasaki atomic bombing**.

Must readings: Newman, pages: 115-152.

Optional: Frank, Why Truman Dropped the Bomb; US History, The Decision to Drop the Bomb; Film: Original Child Bomb; Film: The Decision to Drop the Atomic Bomb.

Lesson 10

- Lesson 10: **Ethics in inaction in Rwanda**.

Must readings: Walzer, pages: 67-81.

Optional: Des Forges, Shame; Ferroggiaro, U.S. and Genocide in Rwanda; Walzer, pages: 33-50. Film: Shake Hands with the Devil (2007).

Lesson 11

- <u>Lesson 11</u>: **Ethics in the War in Iraq and in fight against terrorism**.

Must readings: Walzer, pages: 143-168.

Optional: Frost, pages: 45-53; Luban, Torture, American-Style; Rejali, Five Myths about Torture and Truth; Hersch, Torture at Abu Ghraib; Documentary: PBS Frontline's "The Torture Question"; Film: Ghosts of Abu Ghraib; Film: Fog of War.

Lessons 12-13

- Lesson 12: **Ethics and the Use of Force**.

Must readings: Rosenthal, pp: 67-82; 85-99.

Optional: Arend, pp: 89-102; Walzer, pp: 3-23.

- Lesson 13: **Ethics of Foreign Aid (and concluding review of the course)**.

Must readings: Rosenthal, pp: 307-314. Rawls, pp: 105-120. Optional: Kuper, pp: 107-120; 125-126; Rosenthal, pp: 285-301; 317-327; 329-333; Singer, pp: 121-124; 127-128.

Evaluation and Assignments

- Mid-term Exam   1   30%.
- Essay   1   10%
- Presentation   1   10%.
- Final Exam   1   40%.
- Participation   1   10%.

Evaluation and Assignments - 2

- Mid-term exam (30%).

- Essay (10%): Each student will prepare an Essay. It should be: a. original, b. related to a topic covered in the course, and c. applied to Albania. Deadline for delivery of Essay (two days before mid-term). Essays should be between 800-1000 words, uploaded to Turnitin.

Evaluation and Assignments - 3

- Presentations (10%): Starting from the week immediately after the mid-term exam period, students will present their essays. All presentations will be presented in seminar format. No power point. 10 minutes of oral presentation.

- Final Exam: (40%).

- Class Participation (10%): You are expected to read materials. 60% compulsory attendance. Attendance (50%) and participation (50%) in class will be assessed and will figure into final grade.

Q and A

- Q and A.

Ethics and Foreign policy

PIR 230, Ethics and International Affairs
Dr. Islam Jusufi
Epoka University

Questions facing the world

- Who is responsible for ending suffering of <u>Syrian refugees</u>?

- Whom should we support in <u>Syrian conflict</u> and how support will affect the situation?

- Should countries solve their own internal problems before giving <u>aid</u> to others?

- Who is responsible for ending <u>poverty</u> in the world?

Questions facing the world - 2

- What criteria should EU and Albania use <u>to assess refugee intakes</u>? (Albania: "I will neither close nor open the borders").

- Should we treat outsiders according to our own ethics or their unique ethical codes?

- Thus, fundamental question of Ethical Foreign Policy (EFP) is: how should members of 'bounded' communities (nation-states), treat 'outsiders'.

What is EFP about?

- EFP is about how to treat outsiders: do we have duties to 'others', or should we be concerned only with our community?

- Even though we live in globalized and interdependent world, we take national borders as having major ethical status.

- Human beings live in bounded communities that draw distinctions between insiders and outsiders, applying different standards.

What is EFP about? - 2

- EFP questions whether it is right to make distinction between 'insiders'- 'outsiders'.

- Many have not made these distinctions absolute and have historically offered: hospitality, aid, charity to strangers.

- Most people think that their national community is their first priority.

What is EFP about? - 3

- They do not consider themselves obliged to help distant people; nor do they believe it is morally wrong to think this way.

- They may perceive foreigners as deserving recipients of charity, but do not regard such action to be a moral obligation.

- Moral priority: We owe first to our own kind, and then to outsiders after our domestic duties have been dispatched.

What is EFP about? - 4

- EFP is concerned with ways in which states pursue their policies by considering morality.

- Can governments be transformed into moral actors?

- Morality of states depends on extent to which states perceives their moral duties as restricted to their territory or encompassing humanity.

What is EFP about? - 5

- EFP is about boundary-drawing of area in which moral action is possible.

- Relationship between ethics and politics is less conflictual as long as it plays out within a political community bound by mutual obligations.

EFP's three fundamental questions

1. Do we have fundamentally different moral responsibilities to outsiders from those we have to our fellow citizens?

2. What is nature of obligations that we owe to those beyond our borders? Charity or more substantive obligations?

3. How can we interpret these principles and how can they be applied?

Types of ethical duties

- <u>Positive duties</u>: duty to do something (State's duty to protect its citizens; Responsibility to Protect; duty to construct new economic order that harms no one).

- <u>Negative duties</u>: duty not to do something or to stop doing something (State's duty not to inflict suffering to its citizens; States' duty to cease harming poor).

- Traditionally, EFP thought dominated by negative duties (duty of non-intervention).

Three types of relationships in positive and negative duties

- <u>What 'we' do to 'them'</u>: duties to assist or duties to cease to assist.

- <u>What 'they' do to each other</u>.

- <u>What 'everyone' does to 'everyone' else</u>: duties that we all have to each other (global warming); negative duty to stop polluting, and positive duty to aid those who suffer.

Three types of relationships leading to different EFP approaches

- "Cosmopolitans" interpret all questions through third category of relationship; states should put interests of humanity in centre.

- "Anti-Cosmopolitans": there are only negative duties in relation to the first category; government's ethical duties are restricted to needs of its citizens.

- Third view argue for balance of self-interest and the needs of others.

Cosmopolitanism

- <u>Third relationship</u>: Human beings considered as one single moral community

- <u>Moral universalism</u>: morality is universal and moral code should be applicable to everyone.

- All people have a right to freedom and they should be treated as equal, regardless of their race, gender.

- Extensive positive (justice, aid) and negative (non-harming) duties across borders.

- Cosmopolitan subcategories: Kantian, Liberal (Rawlsian liberalism).

Anti-cosmopolitanism

- Humanity is collection of separate communities.

- Moral pluralism – no common morality: each community has its own ethical codes; borders provide for ethical constraints; morality is contextual, local, 'culturally relative'.

- We have only negative duties not to do harm.

- Nations do not have anything other than a charitable duty, and then only when internal economic circumstances permit.

Anti-cosmopolitanism - 2

- Anti- cosmopolitanism includes realism, pluralism, and communitarianism.

- <u>Realism</u>: only viable ethics is self- interest and survival.

- <u>Pluralism</u>: states can agree to a minimal core of standards for coexistence.

- <u>Communitarianism</u>: morality is 'local' to particular cultures, represented by states.

Realist view of EFP

- EFP is false understanding of 'realities' of world politics.

- It is self-deception or designed for deception of others.

- It is genuine error or act of manipulation, attempt to pursue national interests through ideological disguise.

Realist view of EFP - 2

Four propositions on EFP:

1. Ineffective; unrealistic. E.g. Max Weber characterized anti-WWI activists as political dreamers to be confined to a 'zoo'.

2. Weakens the state; harmful to national interests. E.g. Morgenthau thought of Wilson's legalistic internationalism as disastrous.

Realist view of EFP - 3

3. Tool for power politics. E.g. Nixon 'the main purpose of American aid is not to help other nations but to help ourselves'.

4. Produces immoral behavior. E.g. Schmitt: 'Whoever invokes humanity wants to cheat'.

- Ethical action can only be associated with NGO sphere as they want to assist the global poor exclusively on the basis of need.

Critique of realist view

- Realist view has some reality.

- Nevertheless, EFP has real consequences.

- EFP led to new mandates of state agencies including the armed forces.

- It led to restraints on institutional policies affecting 'outsiders'.

Critique of realist view - 2

- National interest cannot be insulated from morality. E.g. emergency situations.

- EFP often benefits states by raising their 'moral prestige'.

- It is true that EFP does not always result in beneficial effects. E.g. harm done by prolonging wars, exacerbating power asymmetries, empowering questionable groups or demoralizing beneficiaries.

Rise of EFP

- Demand-driven rise of 'ethical dimension' in foreign policy (increasing needs of populations in poor world).

- Supply-side: shifting sensibilities among publics; search for sense of global mission in post-cold war and disappearance of historical enemies.

Shifting public sensibilities

- Decline of philosophies justifying suffering of strangers.

- New narratives emerged (Marxism, Modernization theory, Feminism) which made sense of misery, injustice, inequality.

- Organizations emerged E.g. Doctors Without Borders.

- Humanitarian interventions undertaken.

Shifting public sensibilities - 2

- Sympathy now is not with governments but with victims.

- End of cold war offered possibilities for external interference and intervention.

- EFP imposed restraints upon states to avoid causing harm and asked to provide protection.

Shifting public sensibilities - 3

- However, this new consciousness did not rally majorities of publics.

- Changing ideas of leaders are more important than shifts in public sensibilities.

- End of cold war allowed nations to generate strong sense of mission and dramatic representation of their meaning in history.

HUMANITARIANISM AND NEW HUMANITARIANISM

Humanitarian Universalism

- An organization that has represented humanitarian universalism is ICRC.

- Humanitarianism is core of ICRC's nonpolitical outlook: "it makes no distinction between good wars and bad, between just and unjust causes, or even between aggressors and innocents."

Amnesty International

- Amnesty International, founded in 1961, with the aim of working for the release of "prisoners of conscience".

- Politics of the prisoners were irrelevant: what mattered was that they were held for their religious, political, or other beliefs.

- Amnesty campaigned against capital punishment and use of torture or inhuman punishment in all cases.

UN relief agencies and others

- UN established institutions for humanitarian aid: UN Relief and Rehabilitation Administration, UN International Children's Emergency Fund (UNICEF), UN High Commissioner for Refugees (UNHCR)

- The mandates of these institutions were explicitly humanitarian, not political.

- Others include: Save the Children Fund, Oxfam.

Humanitarianism during Cold War

- Charities achieved high profile because of their universalist approach and political neutrality.

- They provided aid where geopolitical divide prevented aid to be provided to those in need. E.g. Biafra crisis in 1968; Ethiopian famine of 1984-1985.

- Aid was nonpolitical; delivered purely on the basis of need.

Move to new humanitarian approach

- Old humanitarianism: Until 1990s, ICRC had monopoly on definition of humanitarianism: provision of immediate assistance to victims of conflict (needs-based approach).

- New humanitarianism: protection of human rights for "at risk" groups (rights-based approach).

- Shift from a "needs-based" to "rights-based" humanitarianism.

"Neutrality" reconsidered

- Some human rights advocates have called against "obsessive neutrality ingrained in UN personnel."

- ICRC became criticized for going by the book and its conservative "legalistic bias" and "cautious, lawyerly neutrality": "humanitarian intervention cannot be impartial between the Serb militiaman and the Muslim civilian in Bosnia, or the machete-wielding Hutu and the Tutsi victim. The ICRC's doctrine of discretion and silence . . . has shaded into complicity with war crimes."

"Neutrality" reconsidered - 2

- Award of the Nobel Peace Prize to MSF in 1999 was a statement in support of transition to rights-based humanitarian aid.

- Agency's founder Bernard Kouchner acknowledged the importance of the award: "MSF's work was political from the start. I hope the prize marks the recognition of a type of humanitarian work which fights injustice and persecution, in contrast to traditional organizations."

"Universalism" reconsidered

- It is argued that sometimes humanitarianism prolonged wars, fed killers, legitimized corrupt regimes, established war economies, perpetuated genocidal policies.

- Humanitarians went from being angels who can do no wrong to being seen as part of problem.

- British Secretary of State for International Development: aid agencies have prolonged the conflict in Sudan.

"Universalism" reconsidered - 2

- Trend was highlighted by controversy over the delivery of aid to 2 million Rwandan refugees in camps in Tanzania and Congo in 1996.

- Aid agencies were condemned by human rights groups for saving the lives of "genocidaires" who would survive to reorganize and reinvade Rwanda to finish off the genocide.

"Universalism" reconsidered - 3

- New perspective is termed as "Do No Harm" in which not providing aid to those in need is ethically defensible through the human rights.

- Short-term assistance is criticized for the potential long-term harm in fueling conflict.

- Rights-based humanitarians no longer defend basic level of humanitarian relief if this threatens to undermine broader human rights-based aims.

Must readings for this lesson:

- Chandler, pages: 3-13.

- Shapcott, pages: 1-10.

Ethics in International Relations

PIR 230, Ethics and International Affairs

Dr. Islam Jusufi

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Introduction

- IR actors aim to act ethically.

- They are sensitive to ethical criticisms.

- They are always ethically informed, but this aspect is often hidden.

- Ethics helps to better understand IR and making better policy choices.

Presence of ethics in IR

Ethics is present in all phases of IR:

- <u>Situation assessment</u>: When characterizing international circumstances.

- <u>Explaining causality</u>: When explaining how and why this situation came to being.

- <u>Deciding on policy options</u>: When deciding on what action to take.

- <u>Evaluating the actions taken</u>: When justifying for having chosen one course of action.

Ethical arguments often made

1. States should keep their international agreements (pacta sunt servanda).

2. Entering into agreements to prevent wars is a good thing.

- Many international problems can be articulated and understood as ethical problems.

Often used ethical justifications

- Just war tradition.

- Pre-emptive self-defense.

- Self-defense.

- Prevention of tyranny.

- Promotion of freedom, of democracy.

- Struggle between good and evil.

- Religious rights.

People as Ethical actors

People understand themselves to be ethical actors pursing ethical goals. Situations:

- Contributions to NGOs.

- Participation in protests.

- Contribution to relief efforts.

In order to participate in IR, actor has to be 'ethically literate'.

IR ethics: thin or thick?

- "Thin" argument: no relevance of ethics to IR.

- "Thick" argument: ethics of major relevance to IR; constitute element of IR actors.

"Thin" argument

Ethical concerns are of no relevance to IR. Reasons:

1. Interactions between IR actors is governed by struggle for power.

2. No ethical consensus; no overarching ethicality to provide common framework for ethical discussion between "us" and "them".

"Thin" argument - 2

3. Relations between states are governed by pragmatic rather than ethical reasons.

4. If there were ethicality in world, there would not be so many violence.

5. Limited discussion of ethical questions in IR literature/theories.

6. There are different ethical creeds; ethical choices are personal matter.

"Thin" argument - 3

- Rival interpretations of what counts as right or wrong.

- Distinctions between international and domestic domains.

- Domestically citizens are bound by common system (democracy, communism) which rest on particular ethical foundation.

- Internationally, there is no widely accepted public philosophy.

"Thin" argument - 4

- Ethics may compel people to behave in ways can have tragic consequences as others do not have same ethical commitments. E.g. Finns going to war with Russia in World War II; KLA going to war with Serbia in 1990s.

- Role of ethical argument in solving the conflicts is limited.

Morality according to Thin thesis

- No place for moral claims; only morality accepted is "Raison d'etat" or "reason of state".

- Necessity to suspend moral and legal norms to deflect threats to the state.

- Morality matters only to further state's interests.

- War as normal - Realpolitik: countries should prepare for war in order to preserve peace.

Morality according to Thin thesis - 2

- People are selfish.

- Ethic of responsibility: Duty of statesmen is to accept responsibility of consequences and not of intentions.

- Good intentions do not matter in world politics.

- Prudence as moral value in politics.

Morality according to Thin thesis - 3

- In reality, ethics and moral concerns do play a role; People and states seek help from others on morality grounds.

- Powerful states often ignore morality: "Strong do what they have power to do, and the weak accept what they have to accept".

- Power politics is moral because it most effectively prevents aggressors from doing evil on a huge scale.

Confronting paradoxes

1. We frame our propositions in ethical terms, but we characterize IR based on power. Isn't it hypocritical and disguise for pursuit of self-interest?.

2. IR focus is on causality questions, not about what ought to be done.

"Thick" argument

- Ethical concerns central to IR.

- Hypocritical are those who pursue power-based analyses.

- Key actors (states and individuals) have their own internal ethical structures and practices.

- They are ethically constituted and if they fail in ethics, actors loose standing (Engagement with ethics not option but precondition).

Practices and ethics

- IR actors participate in global practices.

- Two global practices: Global civil society and Society of sovereign states.

- They have their own ethical rules.

- E.g. to sign regional cooperation agreements, is ethical act. Why: states are authorized to do it within the practice of sovereign states.

- Understanding what is ethically appropriate is prerequisite for participation in global practices.

Recognition and criticism as ethical acts

- Actors are constituted through recognition.

- Recognition is granted or withheld according to whether actors uphold the ethical rules.

- Actors are vulnerable to ethical criticism from fellow actors.

- Vulnerability to ethical appraisal is not dependent on actors' power; superpowers are as vulnerable as small powers.

Conditions of Possibility

- Rules, and background ethics which supports them, establish Conditions of Possibility (COP) for actions by a specific actor.

- Ethics makes possible a range of actions and sets the limits of that range.

Constitutive theory

- Actors are constituted through mutual recognition.

- Actors are constituted not just as actors but as ethical actors subject to ethical conditionality.

- State that never honor its commitments, such a state would no longer be deemed in good standing. E.g. rogue (immoral) state or pariah (undesirable) state.

Exercise: a rogue state

- Rogue state: states they consider threatening to world's peace.

- Criteria for rogue state: being ruled by authoritarian regimes that severely restrict human rights, sponsor terrorism, seek weapons of mass destruction, and criticize the United States.

- Cases: North Korea, Iran, Sudan, Syria. (formerly: Libya, Iraq, Cuba, Serbia).

Exercise: a pariah state

- Pariah state: abuser of human rights of their populations while not being considered a tangible threat beyond their own borders.

- Cases: Belarus, Myanmar, Zimbabwe.

Exercise: a democratic state

- Democratic state: government based on majority, existence of free and fair elections, protection of minorities and respect for human rights.

- Cases: Full democracies (Sweden), Flawed democracies (South Africa), Hybrid regimes (Albania), Authoritarian regimes (Pakistan).

Ethics and pursuance of political goals

- In pursuing political goals, actors may infringe ethical constraints; but this will undermine their standing. E.g. To solve border dispute, there are conflict resolution techniques before use of force.

- Some states may seek to cheat ethical constraints, but it can only be done occasionally.

Primacy of ethics

- Actors are vulnerable to ethical appraisal by their fellow participants on an ongoing basis.

- Actors need to present what they are doing in ethical way.

- Actors justify or disapprove actions based on ethical constraints.

- IR activity is ongoing struggle to promote one kind of ethical interpretation rather than another.

How to understand IR in ethical terms?

1. We must examine accounts that actors give of their own conduct and of others.

2. We are to scrutinize their assessments.

3. We need to construct ethical theory to make sense of situation.

4. We then go back to original accounts to see which best accords with ethical theory.

Ethical assessment

- How to do ethical assessment of policies?

- Ethical grade for actors: Actors are often framed as ethically good or bad. E.g. "People of X country have a democratic government".

- Ethical criticisms: same actors can be criticized for failing in attempts at advancing situation.

- Ethical goals: actors can set themselves goals to improve situations.

EXERCISE: THE CASE OF NORTH KOREAN NUCLEAR TEST AND ROCKET LAUNCH OF 2016

The case of North Korean nuclear test and rocket launch of 2016

- Nuclear test was conducted by the Democratic People's Republic of Korea (North Korea) on 6 January 2016

- On 7 February 2016 it launched a rocket using ballistic missile technology.

Sanctions imposed by UNSC, 2 March 2016

- "The Security Council today <u>condemned in the strongest terms</u> the nuclear test conducted by the Democratic People's Republic of Korea on 6 January 2016 <u>"in violation and flagrant disregard" of the relevant resolutions, its actions thereby constituting a challenge to the Treaty on Non-Proliferation of Nuclear Weapons (NPT) and to peace and stability in the region and beyond</u>".

Statement by North Korea, 4 March 2016

- "The U.S. imperialists and their followers' flagrant moves for political and economic pressure and military aggression on the DPRK have gone to a grave phase that can no longer be overlooked. They committed a ferocious hostility of illegalizing the DPRK's independent rights as a sovereign state by adopting an unprecedented and gangster-like, new "resolution of sanctions".

Albanian MFA condemns North Korea rocket launch, 08/02/2016

- "Ministry of Foreign Affairs of Albania strongly condemns North Korea's rocket launch, considering it a provocative act that <u>violates UN Security Council resolutions</u> and <u>threatens peace and security in Northeast Asia and the entire world</u>.

- MFA calls on North Korea <u>to fully respect their obligations and international commitments</u>, put an end to rocket launches. …"

North Korean tuberculosis patients at risk as sanctions hamper medicine shipments, 09/03/16, WPost

- "The lives of more than 1,500 North Korean tuberculosis patients are at risk … because tough new sanctions are stopping medicine from getting to sick people. Following the multilateral sanctions imposed by the United Nations … South Korea this week imposed direct sanctions of its own. But unlike the unilateral American sanctions passed by Congress, the South Korean measures do not make an exception for humanitarian aid."

Must readings for this week were:

•Frost, pages: 1-53.

Ethical traditions in International Relations

PIR 230, Ethics and International Affairs
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Introduction

- Our current judgments are affected by past efforts to lay down rules for: civilized diplomacy, just and unjust wars, peaceful settlement of disputes.

- These issues have long history in political thought.

- When we argue on these issues we draw on ethical traditions.

Ethics not a theory, but interpretation of moral principle

- Ethics is perceived as branch of philosophy, law or theology.

- But, in IR, ethical tradition is not theoretical system of general principles.

- Ethics involves principles, but also involves interpretation and application of these principles in particular circumstances.

Ethics in IR: judgment

- Ethics in philosophy is search for moral principles; in IR is study how to apply principles in particular cases.

- Ethics in IR involves principles but also interpretation, choice, and action.

- In IR it is important the <u>judgment</u> in interpreting principles and in choosing and acting on the basis of these interpretations.

What does it mean to call a judgment "ethical?"

- "Moral" is narrower term.

- "Ethics" is wider: it refers to considerations affecting choice and action.

- "Ethics" is not limited to judging acts to be morally right or wrong.

- Some ethical judgments are concerned with acts as desirable or undesirable according to the outcomes they produce.

What does it mean to call a judgment "ethical?" - 2

- Ethics is not limited to making judgments.

- We not only make ethical judgments, we try to understand them.

- So another kind of ethics activity involves studying various kinds of ethical judgment and considerations underlying them.

Ethical judgment and Interpretation

Judgment entails interpretation. How?

1. In judging one necessarily applies standards of judgment and this application involves interpretation.

2. In making ethical judgments we judge conduct, and conduct is meaningful.

3. Conduct involves concepts and concepts have meaning; meaning implies interpretation.

What is tradition?

- "Tradition" refers to the act of handing over - transferring - to another person.

- A tradition is the thing handed down, belief or custom transmitted from one generation to another.

- Thus, tradition is practice possessing force of law, an authoritative.

What is tradition? - 2

- Tradition is also understood as authoritative presence of continuously transmitted past.

There are three elements in this definition:

1. Tradition looks to the past.

2. Authority within some community of an inherited practice or belief.

3. There is element of continuity in transmission.

Invented tradition

- There is also "invented tradition" - practices fabricated.

- 'Invented Tradition' is important for study of nationalist movements that encourage construction of past to fit favored political conceptions.

- But there is element of invention in every tradition that draws authority from its past, for legitimization purposes.

Dogmatic elements of tradition vulnerable to criticism

- Identification of tradition with unquestioned authority of inherited beliefs - which can lead to refusal to question such beliefs and to persecution of those who challenge them – is reason of low esteem of tradition since the Enlightenment era.

- This tendency continues today: opposition between religion and science.

But traditions are not limited to beliefs only

1. Authority of belief is only one kind of authority a tradition may have; some other traditions rest on authority of laws and procedures.

2. Traditions are not uncritical.

3. General truths cannot be entirely isolated from particular traditions' history.

Convergence and divergence in international ethics

- Fundamental distinction between traditions is whether they link judgments of right and wrong to <u>consequences</u> or <u>rules</u>.

- Realism, Utilitarianism, and Marxism belong to first class of traditions (consequences).

- International law, Natural law, Kantianism, Contractarianism, Biblical/religious argument, and Tradition of Rights belong to second class of traditions (rules).

Types of ethical thinking

- Consequence-oriented and rule-oriented traditions are two types of ethical thinking.

- Each of these types can be subdivided.

THE CONSEQUENCE-ORIENTED TRADITIONS

Consequence-oriented traditions

- Realism emphasizes the value of consequences in terms of survival of states.

- Utilitarianism and Marxism emphasize value of consequences in terms of well-being of humanity.

- Marxism and utilitarianism are "consequentialist", i.e. they evaluate consequences from universal point of view; thus cosmopolitan.

Realism on traditions

- Central claim of realism is that political decisions should be made on the basis of prudential reason, not tradition.

- This does not mean that the realists do not value tradition.

- But realists see tradition as a value to be preserved by prudent policy rather than as a guide to the making of policy.

Is realism a tradition of ethics?

- Realism rejects traditional morality.

Realism is a reaction against tradition in two ways:

1. It rejects traditional morality as adequate guide to political action.

2. Realism appeals to "reason of state" rather than to the authority of morality; its outlook is anti-traditional.

Ethics in realism

- Only more vulgar forms of realism insist on *amorality* as approach in IR.

- What realism does require is officials to be prepared to override constraints of law and morality in <u>emergency</u> situations.

- When a state's independence is threatened, foreign policy is constrained by <u>necessity</u> and necessity knows no law.

Ethics in realism - 2

- Realism relies on distinction between ordinary and extraordinary situations and on the concept of <u>necessity</u>.

- Statecraft is properly regulated by morality and law up to point at which necessity intervenes.

- Realists often disagree about when that point has been reached.

Ethics in realism - 3

- Reasons for overriding constraints of morality in emergency situations are themselves moral.

- There is higher law that legitimizes bowing to necessities of survival, one that requires that constraints be set aside when the state is threatened.

- Prudence is moral - policies required to protect sovereignty are morally justified.

Ethics in realism - 4

- Machiavelli: to protect the state, public officials must often act in ways that not only seem, but really are, immoral.

- 'Prudence' overrides 'morality'.

- No need to justify pursuit of national interests in moral terms.

Ethics in realism - 5

- Consequences are fundamental.

- Realism proposes "escape clause for extreme situations".

- Realism draws upon concepts and principles: necessity, security, vital interests, prudence, responsibility.

- What they are rejecting is not tradition as such but the principles of alternative ethical traditions.

Ethics in realism - 6

- Normally forbidden measures are sometimes justified by considerations of 'self-defense'.

- Realism maintains that there may be situations that require violating even limits.

- And that situation is "necessity".

- Realism is still an "ethical" tradition as it uses the language of justification.

Ethics in realism - 7

- Realist arguments are based on: moral skepticism, egoistic view of human nature, cultural relativism, primacy of power in politics, anarchy, special role of public official as trustee, state as primary source of value.

- 'Necessity' like anarchy as permanent condition.

Ethics in realism - 8

- Machiavelli destroys any distinction between defensive and aggressive wars.

- Modern realists argue that statecraft motivated by prudent concern for national interest is generally better for all concerned than a statecraft motivated by more universal values.

Utilitarianism and Marxism

- Utilitarianism and Marxism demand that individuals act to produce best consequences for humanity.

- They are cosmopolitan, since responsibilities of people in the world fundamental.

- State is only vehicle for maximizing human welfare, it can be either a means or an obstacle in pursuit of that goal.

Marxism on tradition

- Marxism emphasizes scientific rather than traditional basis of policy-making.

- There are truths about the structure of international system, that determines what is and is not possible.

- Traditions are ideologies that reflect the realities of power but do little to determine these realities.

- Rational policy-making must be based on criticism of ideology.

Specific traits of Marxism

- Marxists reject the state in favor of worldwide community of proletariat.

- Marxists reject idea of 'international community' of states as having ethical significance.

- Marxists sees morality as "ideological" expression of class interests.

- Marxists focus on end-state, the classless society, and discuss tactics for producing that end-state, not moral obligations.

Utilitarianism

- Utilitarianism, like realism and Marxism, is a consequentialistic ethics.

- It challenges the authority of traditional morality and law.

- Morality is obligatory only insofar as it is supported by utility (usefulness); it has no independent authority.

- Use of deadly force justifed in self-defense

- Rules of war are of general benefit to humanity.

Differences between Utilitarianism and Marxism

- First, they differ on nature of individual good. Utilitarianism looks to individuals as seeking to maximize well-being/"utility." Marxism aims at human autonomy or "liberation".

- Second, Marxism has more critical account of existing institutions.

Utilitarianism's similarity and disagreement with rule oriented traditions

- Similarity: Utilitarians argue that adherence to the rules of war is in the best interests of humanity or that the state has a duty to protect its citizens.

- Disagreement: rule-oriented traditions make sharp distinction between acts and consequences, which utilitarians regard without moral significance.

RULE-ORIENTED TRADITIONS

Rule-oriented traditions

- International law, Natural law, Kantianism, Contractarianism, Biblical/religious argument, and Tradition of Rights belong to these traditions.

- These traditions conceive ethics as matter of interpreting meanings of rules and other formulations through which moral judgments are expressed.

Rule-oriented traditions - 2

- All of them place constraints on conduct and have complex relation to political community.

- Natural-law, Kantian, and rights traditions are concerned with duties or rights of human beings as such rather than as members of particular communities.

- Contractarianism, international law, liberalism give considerable weight to claims of particular communities.

Rule-oriented traditions - 3

- These traditions can be classified according to whether they regard authority as based on: revelation, reason, agreement, or custom.

- These traditions focus on permissibility of actions and intentions rather than on desirability of their consequences.

- They do not exclude concern with consequences but they set limits on consequence-oriented reasoning.

Rule-oriented traditions - 4

- They reject the idea that such limits can be violated in cases of necessity.

- There are also differences among them: whereas natural law, Kantian, and rights traditions focus on moral duties or rights; traditions of liberalism, contractarianism, and international law give more attention to political and legal obligations.

Common morality in rule-oriented traditions

- Natural law and Kantianism attempt to articulate the idea of "common morality".

- Liberalism, contractarianism, international law have been more concerned with distinctive "morality of states".

Universal or Common morality

- Is there a universal or common morality and, if so, what its principles are?

- Idea of common morality has received a variety of interpretations.

- Common morality: ethic transcending moral practices of particular communities.

- It depends neither on custom nor on divine authority, but on reason.

Rules of common morality

- Permissibility of acts (right or wrong).
- Acts for which a person may or may not be held responsible for.
- Duties to oneself (prohibition of self-injury).
- Duties to others (forbidding lying or cruelty).

Rules of common morality are united by a fundamental principle: treating other human beings as end and not as means.

Negative prohibitions and positive commands under common morality

- Negative duties: we must not treat human beings as objects, e.g. enslaving them.

- Positive duties: promoting people's well-being.

- We have a duty to act in ways that have good consequences, but we must not use morally impermissible means in doing so.

Negative prohibitions and positive commands under common morality - 2

- Forbidden acts are wrong even if they are done for the sake of a good end.

- One must avoid acting wrongly, whatever the consequences.

- To permit good outcomes to be produced by morally impermissible means would be to tolerate violation of fundamental principle of respect.

Common morality prohibits application of "principle of least evil"

- Common morality limits application of a principle: "the principle of least evil".

- Common Morality is criticized for excluding reasoning about consequences.

- Common Morality limits such reasoning but it does not exclude it.

- What it does exclude is consequentialism, the doctrine that the consequences of an act determine its rightness or wrongness.

Common Morality's application to IR

There are different views on how it applies:

- One understanding: moral principles governing individual conduct apply with little modification to IR.

- Contrary view: there are special principles governing IR: treaties must be observed, diplomatic immunity respected, aggression resisted, war crimes punished.

Common morality and International Law

- These principles represent interpretation of common morality in IR best reflected in international law (also called as law of nations, morality of states).

- International law like all laws, is traditional in its reliance on precedent.

- We are used to thinking of law as one thing and morality as another.

Common morality and International Law - 2

- Law is an institution about which we make ethical judgments, not itself a source of ethical judgments.

- Law involves the application of principles to conduct.

- Like morality, it is concerned with duties and obligations.

Tradition of International law

- A view is that Intl Law is "not really law" as it lacks institutions for applying these laws; thus, it has no importance in IR.

- Significant areas of IR are excluded from judicial examination by clauses such as "principle of sovereign immunity", "domestic jurisdiction".

Tradition of International law - 2

- Cases involving Intl Law are often settled in national courts, or in international tribunals composed of representatives from various states; undermining credibility of Intl Law decisions.

- Few international disputes are adjudicated.

- Despite these difficulties, Intl Law remains important source of principles for judging the conduct of states.

Tradition of International law - 3

- Moralists think the real problem with Intl Law lies in ethical defects it reveals.

- Existence of alternative standards raises question of which standard should prevail in cases of disagreement.

- Some critics argue that Intl Law is justified only to the extent that it contributes to the pursuit of important national or international goals.

Tradition of International law - 4

- While Intl Law can be valuable means for realizing ethical ends, sometimes it is justified to disregard it where it interferes with achieving ethical ends.

- Intl Law provides a tradition of debate not about which rules are moral in IR, but about which rules are valid and binding as law.

Tradition of international law - 5

- It asks for agreement on common rules.

- These rules must be grounded in something more fundamental than a contract.

- This more fundamental source of authority is customary practice, not moral principle.

Tradition of international law - 6

- Treaties between states (moral principle), would be ineffective without prior acknowledgment of the basic principle of pacta sunt servanda - agreements are to be observed (customary practice).

- Practices and rules form the international law, which delimit the rights and duties of the states.

Tradition of international law - 7

- Authority of international law is derived from customs and agreements of states.

- Rules of Intl law are those acknowledged by states to be binding.

- Intl Law later became universal.

- It became instrument for making claims against states on behalf of individuals.

Authority according to rule oriented traditions

They have different views of authority:

- Biblical/religious traditions: divine authority.

- Natural-law, Kantian, rights, and liberal traditions: authority of reason.

- Contractarianism: authority of agreement.

- International law: authority of both agreement and custom.

Biblical/religious traditions

- Some rest on the premise that people have duty to obey and support responsible government.

- Some suggest that the mission of the community is to preserve its identity by adjusting to the realities or to challenge established power via radical, social criticism or active, armed resistance to oppression.

Natural law tradition

- Universal morality grounded in reason rather than revelation.

- Cosmopolitan in character.

- Single world community might provide best structure for achievement of the whole set of human goods.

- It does not condemn existing sovereignties and the international system.

Natural law tradition - 2

- So long as states exist their interactions are open to moral judgment and regulation; they have duties toward one another even in the absence of superior authority.

- International agreements are morally binding without enforcement.

- International law has authority even for countries that have not explicitly consented to it.

Natural law tradition - 3

- Survival of any particular kind of polity is not essential for continuation of moral life.

- Still, authority is essential.

- It condemns wars of aggression and barbaric practices in any war.

- Use of force justified via public authorization and just-war doctrine.

Kantian tradition

- Kant's distinction is between action done "in accordance" with duty and one done for "for the sake of duty." Only the latter has moral value.

- We determine our duty through reason operating independently of experience.

- One should always act to respect human beings as ends in themselves.

Kantian tradition - 2

- Neither existence of cosmopolitan culture supporting human rights, nor agreements among states, are required as basis for international duties.

- Our fundamental moral duties are universally binding unless it can be shown that fulfilling them is impossible.

- Kantianism is most cosmopolitan of the rule-oriented traditions.

Kantian tradition - 3

- War in self-defense remains permissible.

- Kant maintains that we have a duty to pursue stable or "perpetual" peace through international confederation, to further ensure peace by establishing republican governments, and to refrain from barbaric actions during war.

- Kantians are disturbed by intentional threat to civilians that underlies nuclear deterrence.

Tradition of Rights

- Rights are important at three levels of world politics: for individuals as members of a society of mankind; for states as members of international society of states; and for subnational or transnational groups.

- Few nations today challenge the idea of rights, although there is disagreement about their nature and justification.

Tradition of Rights - 2

- Individuals have rights largely as citizens of particular states.

- Stateless status is deprivation of rights.

- Statehood is key for realization of rights.

- Thus, rights tradition is state-centric rather than cosmopolitan: it recognizes that states are main place of individual rights.

Liberalism

- Liberalism is concerned with rights, but it has been primarily with those rights that protect individual liberty against the state.

- It has also sought to reform the state system by seeking to impose obligations to states on protection of individual rights.

- This liberal desire to reform the state system gives the liberalism a cosmopolitan trait.

Liberalism - 2

- Liberals fear power of a world state and thus wish to reform the state system rather than to abolish it.

- Liberalism emphasizes authority of reason.

- It rejects distinction between theory and practice, between private and public morality.

Liberalism - 3

- Ideas have their own independence; not depended on state, class or national interests.

- At the domestic level, civil liberties should be strengthened, while at international level state sovereignty should be limited and more respect paid to international law.

- Reform rather than revolution.

- Freedom has priority over other goals.

Contractarianism

- It emphasizes individual freedom.
- It emphasizes authority of agreement rather than reason or revelation.
- It is state-centric.
- Reliable cooperation or mutual self-restraint highly unlikely in IR.
- Moral rules cease to apply when circumstances make them ineffective.

Value of traditions

- Ethical traditions are not entirely independent of one another, despite the efforts of each tradition to articulate an autonomous and consistent outlook.

- Ethical traditions shape controversies about right and wrong that have always been a central feature of IR.

Importance of traditions of ethics

- Traditions of <u>rights</u> and of <u>liberalism</u> are probably most frequently used in contemporary international politics.

- <u>Realism</u> has popularity mostly during crises.

- <u>Marxism</u> currently has power only where it can be employed to mobilize resistance against a specific threat.

Importance of traditions of ethics - 2

- <u>Biblical/religious argument</u>, <u>natural law,</u> <u>international law</u> have had more stable constituencies over time.

- <u>Natural law</u> has revived in debates since WWII on the morality of war.

- <u>International law</u> is increasingly the language of minority groups, watch organizations, and government agencies concerned with protecting human rights.

Importance of traditions of ethics - 3

- Kantian, utilitarian, contractarian traditions have little popular support.

- Of the three traditions, contractarianism is the most academic.

- Contractarian vocabulary - agreement, reciprocity, contractual obligation, "fairness" - is widely used in debates on economic issues.

Three basic questions for traditions

- "Is it always better to suffer than to do wrong?"

- "Is it ever permissible deliberately to sacrifice some for the benefit of others?"

- "Why the state?"

"Is it always better to suffer than to do wrong?"

- Natural-law and Kantian answer: "yes".

- Realist, Marxist, Contractarian, Utilitarian answer: "no."

- Realist, Contractarian argue that it is sometimes better to do than to suffer harm - but only in cases of necessity.

- Marxism, Utilitarianism say wrongdoing is permissible only if justified by beneficial consequences to humanity.

"Is it permissible to sacrifice some for the benefit of others?"

- Rule-oriented traditions: No.

- Consequence-oriented traditions: Yes.

- "Consequence-oriented" traditions judge actions to be right or wrong according to their outcomes.

"Why the state?"

There are many answers:

- because it is effective guarantor of rights;

- because it rests on a contract;

- because it is part of a system of legal authority;

- because it is useful from a tactical viewpoint in securing a world communist society.

Conclusion

- All the traditions have continuing importance in IR.

- Each of them attempts to explain three values in IR: force, order, justice.

- Realism, Contractarianism emphasize *force*.

- International law emphasizes *order* and *justice*.

- Other traditions insist on *justice*.

Readings for this lesson:

Must readings:

• Nardin, pages: 1-21.

Optional:

Nardin, pages: 297-322.

Normative turn in foreign policy

PIR 230, Ethics and International Affairs

Dr. Islam Jusufi

Epoka University

Introduction

- What it means to be 'normative' in context of ethical foreign policy?

- 'Normative power' is offered as alternative to 'civilian' and 'military' power.

What is 'normative'?

- It is adjective of 'norm': standard, rule, principle that needs to be complied with; accepted standard; way of doing things that most people agree with.

- Normative: to affirm how things should be; to judge or direct human conduct; to seek inclusion and reconstruction in international practice.

What is normative? - 2

- 'Normative': desire to change things.

- Desire to change the world politics.

- It is alternative to theories that seek to maintain the status quo.

- 'Normative' does not mean the same as 'ethical' but is part of being 'honest' in foreign policy.

What is "Normative Power"? The case of EU

- Normative power's existence and actions challenge status quo of world politics.

- Five arguments made for why a power (EU) might be normative: 'self-binding'; 'vanishing mediator', 'deliberation'; 'reflexivity'; 'inclusion'.

- Self-binding: through law that makes it normative; commitment and emphasis on international law and multilateralism.

EU as "vanishing mediator"

- EU would not refer to itself in terms of power, but as global partner, "vanishing mediator" (become invisible).

- 'EUtopia': myth where EU becomes anti-systemic mediator - community that establishes conditions for a new society.

- The longer EU remains committed to international law, the less it becomes powerful.

"Deliberation"

- 'Rights-based normative justifications' as basis of EU policy.

- It is EU's commitment to place universal norms at centre of its foreign policy.

- "Rights" are set of principles that are mutually recognized.

- 'Deliberation' contributes to 'formation of communicative power' in the world.

"Reflexivity"

- Reflexive relationship: bidirectional with both cause and effect affecting one another.

- Reflexivity: ways in which EU is constructed through its engagements with 'others'.

- 'Self-reflexivity': Europe's past as more normative than any geographical othering vis-à-vis non-European states.

"Inclusivity"

- Inclusivity: extent to which external actors affected by EU policies are permitted a role in that policy-making.

- This perspective advocates a cosmopolitan interpretation of normative power EU.

- Another argument is to limit normative power to cases in which EU's stance is intentionally inclusive.

'NORMATIVE POWER' IN THE LIGHT OF CLASSICAL POLITICAL THEORIES

Communitarian theory

- Political communities as basis for political action.

- In this light, EU's external actions will be shaped by concerns of European political communities.

Two communitarian theories

- Supranational communitarian theory: EU's external actions shaped by concerns of the EU as a whole (European community).

- Intergovernmental communitarian theory: EU's external actions shaped by consensus-seeking among member-states.

State/Intergovernmental communitarian political theory

- Most appropriate political communities for EU policies to serve: constituent member states.

- Two positions on how best to project the political concerns of states to global level: through the union ('unionist') or beyond the union or 'pluralist' approach.

- Intergovernmental relations as important determinants of EU's IR.

Supranational communitarian political theory

- Most appropriate political community for EU policies to serve: 'Europe' as a whole.

- Two positions on how to take EU concerns to global level: working with member states ('unionist'), or engaging directly with the institutions of global governance.

- 'Community method', 'supranational organization' constituting EU's distinctiveness in IR.

Cosmopolitan theory

- Humanity as a whole, or rights of individual within humanity, should provide basis for political action.

- In this light, EU's external actions shaped by concerns for humanity as a whole, or individual human rights.

Cosmopolitan theory - 2

- Most appropriate political community for EU policies to serve: humanity.

- Two positions on how best to serve the cosmopolitan community: 'solidarism' through inter-regionalism and the society of states or 'pluralism' through intergovernmental organizations.

'NORMATIVE POWER' IN THE LIGHT OF CRITICAL POLITICAL THEORIES

'Normative' according to critical and post-modern theories

What makes 'EU' normative:

- avoids nationalist and racist interpretations of existence;

- refuses to fix deeper meaning of European idea and thus remains open to those who currently remain outside EU borders;

- not seeking to impose its freedom on others.

Normative implications of postmodern political ethics

1. Idea of universality - European project as a 'journey to an unknown destination' - finality of EU is never fixed in time, space or imaginations.

2. Acceptance of existence of difference - cosmopolitan duty towards all, opposing racism, nationalism, xenophobia, discrimination - 'united in diversity'.

Normative implications of postmodern political ethics - 2

3. Europe and its history is a product of the world - we are the foreigner within ourselves - idea of Europe and its values are a continuing and contested process.

4. Exemplification, but not imposition, of freedom, democracy, human rights, rule of law, equality and solidarity.

Normative implications
of postmodern political ethics - 3

- 5. EU to be the cultivation of 'critical tradition'. However, this is most challenging, as common communication is difficult across the EU and there is lack of criticism.

Where EU's normative power is located?

- EU normative power is located within three-sided debate over appropriate political community: political communities of member states, supranational Europe, cosmopolitan world society.

- Any normative power should be one that encourages open debate.

"Normative power Europe"

- Introduced by Manners in article in 2002.

- It stimulated normative turn in theorizing EU's IR.

- Manners's assertion: previous conceptualisations of EU's IR were narrowly confined to military power vs. civilian power.

- For Manners, the EU should be considered as a normative power.

"Normative power Europe" - 2

- EU to be studied according to 'what it is' rather than 'what it does or says'.

- Basics of normative power argument: object being studied.

- Placing the nature of EU into a framework replacing 'the state as the centre of concern'.

- Focusing on norms as basics of the EU studies.

'Normative power' argument

- Why 'normative power Europe' concept?: a need to frame post-Cold War world politics into principle-oriented analysis, since EU is actor with emphasis on principles of democracy, human rights, rule of law.

- Normative power argument: rejection of totalistic and state-centered view of traditional approaches.

Defining EU's foreign policy in normative terms

- EU's power cannot be reduced to military or economic means; rather, it works through ideas, opinions and conscience.

- Inflation in description of EU in 'adjectival prefixes': civilising or civilizational power, quiet superpower, ethical power, postmodern superpower, responsible power, pragmatic power, vanishing mediator, gentle power.

Neo-normative turn

- Normative argument is part of reflections on non-state-like features of EU as IR actor.

- In 1970s, EU was defined as civilian: 'special international actor whose strength lies in its ability to promote and encourage stability through economic and political means', rather than physical coercive force.

Neo-normative turn - 2

- Normative power argument goes beyond the discussions whether the EU is actor in IR.

- Normative power theorizing is interested in EU's aim of setting standards for others through means of spreading norms rather than being powerful with either military or economic sources.

Normative power is not "Civilian power"

Normative power is distinguished from civilian power.

Civilian power characterised by:

- 'diplomatic cooperation to solve international problems' (multilateralism).

- 'centrality of economic power'.

- 'legally-binding international law'.

Westphalianculturation: Civilian power concept as Eurocentric neo-colonial perception of world and importance of state.

What is then normative power?

- Normative power Europe: conceptualizing international society composed of various actors and rejecting tendency to limit activities to relations between states.

- Normative power focuses on 'non-material exemplification found in contagion of norms' through imitation and representation of the EU which has become a pole of attraction.

What is then normative power? - 2

- Normative power Europe rejects any affiliation with neo-colonial practice, i.e. mission civilisatrice for the less developed parts of the world.

- Normative power Europe emphasizes cosmopolitan nature of EU's principles, particularly by 'a commitment to placing universal norms and principles at centre of its external relations'

Substance of neo-normative turn

EU's normative power derives from three sources:

- Historical context (legacy of two destructive world wars),

- Hybrid polity (as a post-Westphalian order with features of supranational and international institutions),

- Political - legal constitutionalism (treaty-based legal nature).

Substance of neo-normative turn - 2

- These features helped bring common principles of Member States under supranational framework.

- These common principles and values constitute EU as a political entity which places norms of peace, liberty, democracy, rule of law, human rights at centre of its foreign relations.

- EU builds its power upon these norms.

Ability 'to shape conceptions of the "normal"' for others

- Normative power as a power able 'to shape conceptions of the "normal"' for others.

This statement has many implications:

- First, EU exists as being different from existing political forms, and this difference pre-disposes it to act in a normative way.

Ability 'to shape conceptions of the "normal"' for others - 2

- Second, principles are not exclusively European, but universal.

- Universal principles are internalised by the EU.

- Each principle is given a European reading before being channelled into foreign relations.

Ability 'to shape conceptions of the "normal"' for others - 3

- EU is normative because it binds itself through cosmopolitan law, discourse on being normative.

- Normative power would seek to overcome power politics through a strengthening of cosmopolitan law, emphasising rights of individuals and not only rights of states to sovereign equality.

Ability 'to shape conceptions of the "normal"' for others - 4

- Third, normative power argument relates to presence of EU in world politics.

- Being normative means changing norms of world politics, which are bound by state centricity.

- There are two aspects of normative power: being normative and acting in a normative way.

Criticism of "normative power Europe concept"

Structural-realism:

- EU is not separate actor from to its member states;

- EU is used by its Member States as instrument for exercising hegemonic power.

- The only ethical behavior is: prudence, scepticism and reciprocity.

Normative basis of EU's traits in its external action

- Principles: EU to turn itself into example by applying same principles at home; consistency between home and abroad; not hypocritical.

- Actions: Rule-bounded behavior.

- Impact: Assessing the impact of outcomes from the point of view of consequentialist ethics - doing the least harm.

Challenges to normative power Europe

- Normative power Europe is undermined by desire to establish single identity for Europe rather than multiple identities.

- Militarization of EU damaging normative power nature of EU.

- Increasingly use of coercion damages normative power; EU's advantage lies in emphasis on non-military instruments.

Review of practice of normative power Europe

- Common commitment to normative principles.

- Consistency: abolishment of death penalty.

- Inconsistencies: Strategic concerns prioritised over norms in relations with Russia and China.

- Incoherence diminishes persuasion power.

- 'Security-driven choices' co-exist with normative logics.

Third wave of theorising the normative power of Europe

Three strands to new wave of normative theorising:

- Structural changes in IR problematising Europe's capacity for normative power;

- Ontological and epistemological contestation of normative power Europe;

- Contestation of Eurocentricity seen to be intrinsic to normative power Europe.

Problematising Europe's capacity for normative power

- There is struggle to identify the impact of Europe's power on third parties.

- Shifts within the structure of IR.

- Emergence of "recognition" as a factor in normative power: normative powers are those actors that are recognised as such by others.

- Ideational impact of normative power Europe appears most distinct in <u>regionalism</u>. E.g. its impact on development of: ASEAN, Mercosur.

Ontological and epistemological contestation of normative power Europe

Four key problems:

- Whether EU foreign policy is driven by norms or interests;

- Inconsistent behavior due to competing norms;

- Role of state and non-state actors in EU foreign policy;

- Whether normative power theory is of explanatory, descriptive or normative value.

Contestation of Eurocentricity seen to be intrinsic to normative power Europe

- A need to strip out from normative power Europe 'Eurocentric' assumptions.

- A need to reconstitute European agency.

- This calls for a rather different term.

- Proposal is to have 'decentring agenda' with three dimensions: provincialising, engagement, reconstruction.

- Manners proposes: macro-approach, meso-characterisation, micro-analysis.

Readings for this lesson:

Must readings: Chandler, pages: 117-131.

Optional: Whitman, pages: 171-189.

Ethics and Legitimacy

PIR 230, Ethics and International Affairs
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What is Legitimacy?

- ''Legitimacy'' has *normative* and *sociological* meaning.

- Institution legitimate in <u>normative</u> sense: to assert that it has right to rule.

- Institution legitimate in <u>sociological</u> sense: when widely believed to have the right to rule.

Legitimacy in Global governance institutions

- ''Global governance institutions (GGI)''. E.g. WTO, IMF, UN, ICC, etc.

- These institutions issue rules.

- They attach consequences to compliance or noncompliance.

- They do not seek to monopolize legitimate use of violence.

- Their actions require the consent of states.

Are GGI legitimate and are they widely perceived so?

- GGI promote cooperation and rules that limit abuses by non-state actors.

- They constrain choices of societies, limit sovereignty, impose costs or benefits. E.g. states must belong to WTO in order to participate in world economy, but WTO membership requires accepting large number of quite intrusive rules.

Assessing Legitimacy

GGI's ability to perform its functions depend on:

- Whether those to whom they address rules regard them as binding, and

- Whether others within GGI's domain of operation support its functioning.

Legitimacy and Self-Interest

- To say that GGI is legitimate implies that it has right to rule even if it does not act in accordance with self-interest of everyone.

- If our support for institution is based on reasons other than self-interest or the fear of coercion, it may be more stable; what is in our self-interest may change.

Legitimacy and authority

- GGI should be regarded as having authority.

- GGI's legitimacy debate engages both states and individuals.

- Individuals can affect functioning of GGI (e.g. WTO), directly, by disrupting key meetings, or indirectly, by imposing political costs on their governments for their support of GGI policies.

Legitimacy and Justice

- Legitimacy should not be mistaken for *Justice*.

- Withholding support from GGI because they fail to meet demands of justice would be self-defeating, because progress toward justice requires effective institutions.

Standards of Legitimacy

Standards GGI must satisfy in order to have the right to rule:

a) State consent,

b) Consent by democratic states,

c) Global democracy.

a. State Consent

- GGI are legitimate if they are established through *state* consent.

- Here, legitimacy is a matter of *legality*.

- Legally constituted GGI by states are legitimate (International Legal Pedigree View).

a. State Consent - 2

- Pedigree View fails because it is hard to see how state consent could make GGI legitimate, given that many states are nondemocratic, and are for that reason themselves illegitimate.

- State consent in these cases cannot transfer legitimacy for reason that there is no legitimacy to transfer.

a. State Consent - 3

- There is important justification for treating state consent as necessary condition for their legitimacy: doing so provides a check on the tendency of stronger states to exploit weak ones.

- Cosmopolitan reasons regard GGI as legitimate only if it enjoys consent of all states.

a. State Consent - 4

- Weak states are in numerical majority in GGI.

- Weak states are less threatened by powerful states within GGI than they are by actions of powerful states acting outside of institutional constraints.

b. Consent of Democratic States

- State consent conferring legitimacy is more probable when restricted to democratic states.

- But it is also not sufficient for GGI's legitimacy.

- For weak democratic states, participation in GGI such as WTO is hardly voluntary, since the states would suffer serious costs by not participating.

b. Consent of Democratic States - 2

- There is another reason why the consent of democratic states is not sufficient for the legitimacy of GGI: saying that the public has consented in some highly general way to whatever it is that state agents do is clearly inadequate.

- Lengthening the chain of delegation, makes the democratic state consent not sufficient for legitimacy.

b. Consent of Democratic States – 3

- Still, consent of democratic states may appear to be necessary, if not sufficient.

- For GGI to attempt to impose its rules on democratic states without their consent would violate right of self-determination.

- But, self-determination right is not absolute; a state is not immune to sanctions.

b. Consent of Democratic States – 4

- Thus, necessary condition for GGI's legitimacy is that they enjoy the consent of states that are democratic and that do a credible job of respecting the rights of all their citizens.

- This does not mean that all such states must consent.

- A few such states may willfully seek to isolate themselves from GGI.

b. Consent of Democratic States – 5

- Furthermore, democratic states may engage in wars that are unnecessary and unjust, and resist pressures from GGI.

- It would hardly delegitimize GGI that it was opposed by a democratic state that was waging unjust war.

- Ongoing consent by rights-respecting democratic states constitutes the democratic channel of accountability.

b. Consent of Democratic States – 6

- If democratic states tend to be more powerful than nondemocratic ones, then requirement of consent by democratic states may actually foster accountability that is detrimental to the interests of the world's worst-off people.

- For these reasons, the consent of democratic states seems insufficient.

c. Global Democracy

- GGI are legitimate if they are democratic.

- Since GGI affect welfare of people everywhere, they ought to be democratic - giving everyone equal say in how they operate (Global Democracy View).

- Difficulty is that political conditions for democracy are not met at global level.

c. Global Democracy - 2

- There is no global political structure that could provide basis for democratic control over GGI.

- Attempt to establish a global democratic federation that relies on existing states as federal units would lack legitimacy.

- Thus, could not confer legitimacy on GGI, because, many states are themselves undemocratic.

c. Global Democracy - 3

- There is at present no global public - no worldwide political community, communicating with one another about public issues.

- There is also no global consensus that some form of global government is needed or appropriate.

- Thus, Global Democracy View seems unfeasible.

Requirements for a Standard of Legitimacy

Standard of legitimacy for GGI should have following characteristics:

1. It must provide public basis for coordinated support for GGI.

2. It must not confuse legitimacy with justice but must not allow that unjust GGI are legitimate.

3. It must take consent of democratic states as necessary condition, though not sufficient condition, for legitimacy.

Requirements for a Standard of Legitimacy - 2

4. GGI should promote key democratic values.

5. Not only the means, but also goals of GGI, may and ought to change over time.

6. It must address problem of bureaucratic discretion and tendency of democratic states to disregard legitimate interests of foreigners.

Moral Disagreement

- Central feature of legitimacy is disagreement about:

1. What the proper goals of GGI are.

2. What global justice requires.

3. What role if any GGI should play in the pursuit of global justice.

Two circumstances that exacerbate the problem of 'moral disagreement'

1. Democracy is unavailable at global level.

2. Although there is serious global injustice and it requires a significant role for GGI, it is not possible to provide division of labor among GGI for pursuing global justice.

Moral uncertainty

- GGI are new.

- People have only recently begun to think about achieving global justice.

- Thus, there is also 'moral uncertainty'.

- Therefore, a standard of legitimacy for GGI must accommodate the facts of 'moral disagreement' and 'moral uncertainty'.

Three Criteria for legitimacy of GGI

1. Minimal moral acceptability.

2. Comparative benefit.

3. Institutional integrity.

a. Minimal Moral Acceptability

- GGI must not commit serious injustices.

- GGI are legitimate only if they do not persist in violations of least controversial human rights.

- This is a minimal moral requirement for legitimacy.

a. Minimal Moral Acceptability - 2

- For GGI, it is proper to expect that they should respect human rights, but not that they should play a major role in promoting human rights.

- When we see the injustices of our world, we are quick to attribute obligations to GGI and then criticize them for failing (Duty dumping).

b. Comparative Benefit

- Comparative benefit: institutions provide benefits that cannot otherwise be obtained.

- Legitimacy of a GGI is called into question if there is institutional alternative, providing significantly greater benefits.

c. Institutional Integrity

- If institution exhibits disparity between its performance and its goals, its legitimacy is seriously called into question.

- E.g. UN Oil-for-Food scandal.

- Charge is that UN did not follow procedures for accountability, raising questions about UN legitimacy.

c. Institutional Integrity - 2

- GGI is also illegitimate if its practices or procedures undermine pursuit of very goals that justify its existence.

- E.g. UNSC's decision-making process.

- E.g. IMF inconsistently applying standards for lending.

- E.g. WTO develops policies that exclude its weaker members from benefits of liberalization.

On three Criteria for legitimacy of GGI

- Minimal moral acceptability, Comparative benefit, and Institutional integrity are requirements for legitimacy of GGI.

- It would be wrong to claim that they are necessary conditions, because there might be extraordinary circumstances in which an institution would fail to satisfy one or two of them, yet still be regarded as legitimate.

Epistemic Aspects of Legitimacy

- There are limitations on applicability of these three criteria:

1. Problem of factual knowledge: being able to make reasonable judgments about whether a GGI satisfies any of three criteria requires considerable information about GGI.

- Some institutions may not only fail to supply needed information, but they may such information impossible to obtain or costly.

Epistemic Aspects of Legitimacy - 2

2. <u>Problem of moral disagreement and uncertainty</u>: there is dispute whether some GGI should meet higher moral standards and what role should they play in pursuit of global justice.

- Proper response to both problems is to focus on epistemic quality of the institution, the extent to which the institution provides reliable information.

Requirements for legitimacy of GGI

a) Accountability.

b) Transparency.

a. Accountability

- Accountability includes three elements:

1. Standards that those who are held accountable are expected to meet;

2. Information available to accountability holders; and

3. Ability of these accountability holders to impose sanctions for failure to meet standards.

a. Accountability - 2

- It is mistake to say that a GGI is illegitimate because it lacks accountability.

- Most GGI include accountability mechanisms.

- Problem is that existing patterns of accountability are morally inadequate.

- E.g. WB exhibits high degree of accountability, but it has been accountability to the biggest donor countries, and WB therefore has to act in conformity with their interests.

a. Accountability - 3

- This kind of accountability does not ensure participation by those affected by rules.

- Thus, accountability per se is not sufficient; it must be the right sort of accountability.

- There must be effective provisions to hold institutional agents accountable for acting in ways that ensure satisfaction of 'minimal moral acceptability' and 'comparative benefit conditions'.

b. Transparency

- Transparency by itself is not enough.

- Transparency means availability of info about how institution works.

- Info should be available not only to accountability holders, but also to those who may contest the terms of accountability.

Overcoming Informational Asymmetries

- Fundamental problem of institutional accountability is that insiders generally have better information about GGI than outsiders.

- Outsiders can determine whether institutions enjoy consent of states, and whether states are democratic; but it may be difficult for them to reach conclusions about 'minimal moral acceptability', 'comparative benefit', and 'integrity' conditions.

Overcoming Informational Asymmetries - 2

- Information can also be dispersed among number of external epistemic actors providing counterbalance to informational asymmetries favoring insiders. E.g. NGOs hold different information on the work of GGI.

- GGI's awareness of this asymmetry will provide incentives for avoiding behavior for which they may be criticized.

Contestation and Revisability: Links to External Actors and Institutions

- GGI's legitimacy depends upon contestation of their goals and accountability by actors outside the institution.

- It is not enough for the institutions to make information available.

- Other agents must provide a check on the reliability of the information.

Contestation and Revisability: Links to External Actors and Institutions - 2

- Such activities can produce positive feedback, which increases compliance with standards.

- Thus legitimacy depends not only upon epistemic virtues of GGI, but also on the activities of external epistemic actors.

- Effective linkage between GGI and external epistemic actors constitutes transnational civil society channel of accountability.

Three elements of complex standard of legitimacy

1. GGI should enjoy ongoing consent of democratic states.

2. GGI should satisfy criteria of minimal moral acceptability, comparative benefit, and institutional integrity.

3. GGI should possess epistemic virtues and ability for interaction with effective external epistemic agents.

Democratic values in the absence of Global Democracy

Important democratic values are:

1. Equal regard for the fundamental interests of all persons;

2. Decision making about the public order through principled, collective deliberation;

3. Mutual respect for persons as beings who are guided by reasons.

If Complex Standard of legitimacy is satisfied, all three values will be served

1. As information becomes available globally, it becomes harder for GGI to exclude consideration of interests of certain groups.

2. External epistemic actors address all people as individuals for whom moral reasons determine whether they regard a GGI's rules as authoritative.

3. Eligibility for participation in deliberation will not be restricted by institutional interests.

Consistency with Ethics

- GGI will correct tendency of states to disregard interests of outsiders (Ethics).

- Emphasis on accountability helps to ensure more inclusive representation of interests and preferences over time.

- Requirement of minimal moral acceptability, understood as non-violation of basic human rights, provides important protection for the most vulnerable.

Readings for this lesson:

Must readings:

- Rosenthal, pages: 155-179.

Optional:

Chandler, pages: 161-180; 206-219.

Global ethical practices

PIR 230, Ethics and International Affairs

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Introduction

- What is the practice of states?

- What is the shape of a practice of states?

- On what ethical foundations does it rest?

Anarchical practices

- From 2003, US ruled Iraq as a colony, harming US' ethical standing.

- It withdrew from Iraq in 2011. Ethical act?

- Sovereign states should be left alone to rule themselves (non-interference in internal affairs).

Norm of non-intervention in domestic affairs

- A norm prohibits military engagement in affairs of another state.

- But it may be justified to use force in order to establish governance.

- But causing turmoil within sovereign state is ethically wrong.

Norm of non-intervention in domestic affairs - 2

- Where military intervention takes place, there is responsibility to bring it to end as soon as possible.

- Where a state fails to uphold these norms, its standing will be undermined.

- A state is not ethically entitled to enrich itself at the expense of others.

Norm of non-intervention in domestic affairs - 3

- States have no right to pursue their self-interest (i.e. power) to maximum extent they can.

- Empire is not acceptable goal for any state no matter how powerful.

- No states have patriarchal duties towards other less developed states.

Norm of non-intervention in domestic affairs - 4

- Actors via practice (saying, doing), have constructed system of sovereign states.

- In this system, there is no right to intervention in others' affairs, but in exceptional circumstances.

- In this practice there is prohibition on violent uprisings against the government and against sections of the population within the state.

Anarchical society of states

- There is rule against empire/colonialism.

- Each state has specified area of freedom within which it can be self-governing, but freedom is constrained by limits imposed by practices.

- There is no independent institutional mechanism to determine when limits are breached or not.

Anarchical society of states - 2

- To be a participant in this practice requires that one upholds these rules on ongoing basis.

- Each state should actively look after well-being of anarchical society itself.

- Failure to do that, would damage one's standing as a participant.

Anarchical society of states - 3

- Developments are determined in part by choices made by leaders.

- Structures are result of specific choices.

- Orders are not given, but they are social arrangements which come about through choices made.

Anarchical society of states as ethically justified

- This society accepts diversity in internal arrangements within states.

- Society in which states recognize each other's right to autonomous existence.

- It permits diversity in actions followed by actors who comprise it.

Limits to means used

- Ethical theory sets limits to means that might be used within this practice.

- Actors are entitled to use only means that protect and further core values of 'liberty' and 'diversity'.

- This rules out attempts to impose one state's values on other states.

Case: 2003 US invasion of Iraq

- US failed to give sufficient weight to value of 'autonomy', which is core value.

- Undermining 'autonomy' led to resentments and hostilities within Iraq and widely.

- It did not respect 'non-intervention rule'.

- No good reasons/justifications for exception to the norm were produced.

Case: 2003 US invasion of Iraq - 2

- US justified intervention on grounds that Iraq failed to abandon WMD.

- Another excuse was Iraqi links with terrorists.

- These claims proved to be false.

Case: 2003 US invasion of Iraq - 3

- Other justifications: regime change and promotion of democracy.

- But justifications after the event, lack power.

- Withdrawal from Iraq became strength as it allowed Iraq to re-gain its sovereign status.

Case: 2003 US invasion of Iraq - 4

- It withdrew in 2011, but it did not take into account consequences of withdrawal that in turn became unethical act.

- There was no clear understanding of ethical grievances of other parties to the conflict.

Ethical practices

- States often hide their ethical weaknesses.

- Lying.

- Hypocrisy (e.g. upholding one criterion in a case only to ignore its relevance in another case).

- 'Double standards' becoming standard.

Ethical arguments

- When used, ethical arguments are used as window-dressing (realism).

- Ethics as only rationalization for actions pursued for other reasons such as pursuit of power.

- Ethical accounts are what determine the actions that follow.

Ethical arguments - 2

- Ethical appraisals are not some unimportant 'add-on'.

- All actions are taken on the basis of some ethically informed appraisal.

- Any successful criticism of appraisals will result in undermining the standing of actor.

Ethical arguments - 3

- Why do actors present appraisals that are partial?

- They do this because they think they can get away with it.

- They believe that the audience will not notice the omissions.

Ethical arguments - 4

- States believe that control of media enables them to prevent criticisms.

- This is indication of their vulnerability to such criticisms.

- When lies about Iraq became known, the standings of US/UK governments were eroded.

Global Civil Society as a practice

- Society of sovereign states is not the only global practice.

- There is another worldwide practice in which we all participate, "global civil society" (GCS).

- It also has its own internal ethical rules.

Global Civil Society as a practice - 2

- Evidence for existence of GCS is to be found in the language of human rights.

- It is used by everybody: intervening powers, outsiders not directly involved in the conflict and by local people.

- Case: Human rights-related issues in connection with the use of private security companies.

Private military companies (PMCs): contested appraisals

- PMCs are increasingly used in military actions.

- In Iraq/Afghanistan there has been increase in their use.

- PMCs became increasingly important in conflicts.

Positive view on PMCs

- Some portray PMCs as legitimate companies offering legitimate security-related services to individuals, governments, corporations.

- Services offered: personal security of personnel; guarding of key facilities; training; transport of cash to banks; security for private property.

Positive view on PMCs - 2

- Demand for these services is found in peace and in conflict.

- PMCs are small and large; some are listed companies.

- PMCs are increasingly contracted to undertake work that traditionally was done by military forces.

- Typical of PMCs: Blackwater, MPRI.

Negative view on PMCs

- Opposite view depicts PMCs as negative: little better than mercenaries.

- PMCs are not bound by ethical standards, their activities are not transparent, they are not accountable to anyone but buyers of their services.

- PMCs pose threat to human rights.

Negative view on PMCs - 2

Why? because:

- PMCs are likely to favor interests of employers than human rights;

- PMCs are not accountable to civilians;

- PMCs are not accountable as governments are;

- PMCs are not well regulated.

Negative view on PMCs - 3

- Use of force ought always be under control of a state or a group of states.

- PMCs actually help the states to avoid their responsibilities.

- Consider case of "Abu Ghraib".

How to ethically evaluate work of PMCs?

- At heart of this rivalry views is **ethics**.

- Those making the case for PMCs are seeking to portray that they provide a strong contribution to maintaining ethical values.

- We the audience are asked to share this evaluation and are asked to base our future actions on it.

How to ethically evaluate work of PMCs? - 2

- In contrast, those who offer anti-PMC appraisal seek to undermine moral standing of PMCs.

- Which of these diametrically opposed appraisals is correct?

In defense of anarchy: freedom and diversity

- GCS, like system of sovereign states, is **anarchical** in form.

- Actors interact with one another in terms of rules, but without a central authority.

- Anarchies are 'flat', not hierarchical.

Civilians in anarchy

- In GCS, civilians are entitled to order their lives as they see fit without constraint from central authority.

- They simply have to refrain from abusing any of fundamental rights of other civilians.

- Rights holders might decide amongst themselves to form associations.

States in anarchy

- States are entitled to pursue what policies they wish provided that they respect one another's sovereign rights.

- States can form collective security unions.

- These unions can have hierarchical structures, but these do not prevent states' freedom leave these unions.

Value of anarchy

- We need to consider whether, from an ethical point of view, there is good reason to maintain anarchy, rather than adopt another form of institution (centralized, hierarchical).

- Actors prefer to maintain anarchy. Why?

1. Freedom: Anarchy provides for freedom of actors.

Value of anarchy - 2

2. <u>Diversity</u>: Anarchy provides actors freedom to pursue their own visions (communism, capitalism).

• Anarchy allows for co-existence of actors each pursuing different ideas.

• Anarchy promotes diversity.

Value of anarchy - 3

3. <u>Pluralism</u>: Anarchies allow and nurture pluralism in number of actors.

4. <u>Change</u>: Anarchy encourages change, experimentation, development.

- Actors are not obliged to stick with their vision forever.

- Actors are given opportunity to experiment with different visions.

Value of anarchy - 4

5. Anarchy does not have a single locus of authority.

• Defeat of one part, does not mean defeat of the whole.

• Instead, defeat of one part leaves the rest intact.

Value of anarchy - 5

6. <u>Individual self-defense</u>: defense of whole is achieved through self-defense actions of individual members.

- Through self-defense, individual actors contribute to defense of whole.

- Individual actors may not be strong enough to defend itself. Thus, they form unions (NATO).

Value of anarchy - 6

7. Anarchies are open.

- Would-be participants do not need to apply for membership.

- No unique single authority that can expel members.

8. Rules of anarchies change incrementally through actions of individual actors over time.

Value of anarchy - 7

9. Anarchies make possible a certain kind of politics and then set clear limits to it.

- They are limited in what changes can be considered.

Evaluating rival readings of PMCs

- Practice within which they are located is GCS or anarchical society.

- Values realized in this practice include those of freedom and pluralism.

- People are free to use their rights to pursue different ideas.

Evaluating positive view of PMCs

- PMCs profess their support for human rights.

- PMCs as legitimate private companies satisfying legitimate market demand.

- They are subject to competition from other players in the market.

- This provides them with incentive to be true to their professed commitments.

Evaluating positive view of PMCs - 2

- Were they to fail, then, other companies would beat them in next tenders.

- Also, states that employ PMCs do not want to be shown to have business with PMCs that abuse human rights.

- But, contracts with PMCs secret.

- Secrecy does not advance or protect ethics.

Evaluating positive view of PMCs - 3

- Another weakness of appraisals defending PMCs arises from their lack of interest in discussing ways in which PMCs regulate subcontractors.

- Pro-PMC appraisals are in many ways supportive of ethical philosophy internal to practice of GCS.

Evaluating negative view of PMCs

PMCs as threat to human rights, in different ways:

1. PMCs motivated by profit and not by necessity to protect human rights.

2. PMCs are not responsible to democratically elected governments in way that military structures are.

Evaluating negative view of PMCs - 2

3. PMCs' internal structures are not transparent on their disciplinary rules.

4. PMCs employ foreign people - thus states will use 'foreign' soldiers to do tasks normally reserved for national armies.

Evaluating negative view of PMCs - 3

- There is recommendation to install controls on PMCs and be strictly regulated.

- This means, that civil society needs to be protected by society of sovereign states.

- But, why should we believe that use of state-run military apparatus is less likely to abuse human rights than PMCs?

Evaluating negative view of PMCs - 4

- Are sovereign states good at protecting human rights beyond their own borders?

- There is evidence that state militaries have been abusers of human rights.

Must readings for this lesson:

•Frost, pages: 54-95.

Ethical incoherence: individual rights versus states' rights

PIR 230, Ethics and International Affairs
Dr. Islam Jusufi
Epoka University

People have two statuses

- Everyone is simultaneously constituted as participant in global civil society (GCS) and as participant in society of sovereign states (SOSS).

- In former they are "civilians".

- In latter they are "citizens".

Ethical dilemma

People face ethical choice:

1. To uphold individual rights for all people everywhere?

or

2. To protect only our citizenship rights?

Case: Migrants

- From global perspective, all people, including migrants, have human rights.

- From state perspective, they are threat to us as citizens.

- On that basis many states pass legislation to prevent arrival of migrants.

Ethical choice: curtail migration or allow migrants entry

- Problem is not how to keep them out (fences, border guards).

- Migrants are not just moving bodies to be stopped, but are humans with whom we know ourselves to be in some kind of ethical relationship.

Case: Macro-economic policy on global scale

- Those favoring human rights would support opening up of markets to free flow of factors.

- Those who take states to have ethical primacy would promote protectionist policies.

E.g. Humanitarian intervention

- We have to choose between upholding individual human rights (pro-interventionist).

- State-centric theorists advise that priority be given to maintenance of state sovereignty.

Cosmopolitan/communitarian debate

- Cosmopolitans assert primacy of individual rights.

- Communitarians stress importance of rights of political communities (states).

- By choosing one, we end up committing ethical wrong in another.

Tragic choice in "humanitarian interventions"

- If we favor intervention, this might lead us not respect state sovereignty as we are also member in that community.

- Whatever we do we are going to be forced into hypocrisy and tragedy.

Tragic choice in "migrants"

- As "civilian" you may be concerned about threat posed to rights of migrants were they to be returned to their country of origin.

- As "citizen" you may be worried about impact of such influx on your state.

- Tragic choices cannot be avoided.

Case: Globalization

- Those in favor of globalization build their case on actors guided by profit and not by concern for interests of sovereign states.

- In long-term, benefiting everyone.

- Those who make case for globalization have chosen global civil society as the practice.

Case: Globalization - 2

- Pro-globalization argument is cosmopolitan ethic.

- Consequence of obeying this ethical imperative will be to bring results that work to the benefit of all.

Case: Globalization – 3

- Those who argue against globalization are communitarian.

- Globalization seen as major threat to values embedded in system of sovereign states.

- Globalization threatening the autonomy of political communities.

Ethical shortcomings in GCS

1. Civilians are in permanent <u>competition</u> with one another for scarce resources.

2. This competition leads civilians to have feelings of <u>alienation</u> from their fellows.

3. Not all benefit equally, leading to <u>inequalities</u> (division between haves and the have-nots).

These ethical shortcomings are partly solved in society of sovereign states

- Citizenship alleviates *competition* and *alienation*.

- States establish feeling of togetherness (patriotism) in pursuit of national interest.

- *Inequalities* are alleviated via social policies, taxation or foreign aid.

Thus, people value their membership in both societies

1. Most states belong to UN that is committed to protection of human rights, which in turn is not perceived as threat to states' sovereignty.

2. All citizens are participants in global market, defining feature of which is notions of individual rights to property, to association.

Thus, people value their membership in both societies - 2

3. States adopted constitutions that commit them to the protection of human rights.

4. Civilians are not opposed to citizenship in states; states are major institutions available for protection of human rights.

States provide people ethical status, i.e. "citizenship"

- States are mechanisms people have established for protection of their human rights.

- States are mechanisms people pay to protect their fundamental rights.

- There are many states where governments threaten rather than protect rights.

SOSS builds on GCS: double anarchy

- Each state is located on specific portion of GCS and each state is primarily responsible for protection of that portion of GCS.

- It is required to protect civilian rights of people that live there; but also required to respect rights of others everywhere.

Freedom and Diversity as ethical values of double anarchy

- Double anarchy establishes <u>freedom</u> and <u>diversity</u> for civilians and citizens.

- <u>Freedom</u> for individuals in civil society and freedom for individuals in states.

- <u>Diversity</u> amongst individuals in civil society and diversity amongst states within the society of states.

Ethical transformation in a double anarchy

- Feature of anarchical social formation is that its organizational form is flat and not hierarchical.

- In it, actors are considered to be equal and free.

- Ethical tensions can be resolved through everyday practice and political process.

Ethical transformation in a double anarchy - 2

- Anarchies can only be transformed through politics.

- Rules delegitimize attempts by strong to impose on weaker participants.

- Some states might attempt this kind of imposition, but they become open to criticism from their fellow participants.

Case: Migrants

- Illegal migration in principle is not ethical.

- People who contravene migration regulations are deemed to have behaved not only illegally but also unethically.

- Smuggling oneself (or other people) across international borders is criminal activity.

Case: Migrants - 2

- But are there conditions where illegal migration can be understood as ethically justified?

- Yes, there are times when acting illegally is the ethically right thing to do.

- States are required (often they do) to respect and protect rights of civilians in their territories.

Case: Migrants - 3

- Sometimes, states come to threaten human rights.

- People escaping conflicts cannot obtain the right travel documents.

- In this situation, illegal migration does not undermine ethics but demonstrates commitment to ethics: they are leaving because their rights are not respected.

Case: Migrants - 4

- Economic migrants enter a state illegally in search of work.

- Here push factor is not tyranny but lack of market opportunity in home state.

- Such workers might claim their illegal action to be ethical.

Case: Migrants - 5

- Illegal migrants say that they use civilian right: freedom of movement right.

- They do this knowing that, in global civil society, there are no borders.

- When states grant amnesty to illegal migrants they acknowledge that migrants are good civilians and that they can continue to be good citizens.

Case: Migrants - 6

- Reaction by citizens is to think of illegal migrants as wrongdoers who ought to be sent back to their country of origin.

- Repatriating them would be inappropriate.

- Doing this would undermine international standing of concerned government.

Specific Case: Illegal migration from Syria to EU

- States need to undertake action aimed at preventing the rights abuse taking place around the world.

- Consider illegal migration from Syria to EU.

- War in Syria causes ethical harm to people living there and forcing them to seek protection in other states.

Specific Case: Illegal migration from Syria to EU - 2

- International community needs to consider its role in start of war in Syria.

- Is International Community also guilty of ethical failure in not pressuring for end of war?

Case: humanitarian interventions

- Humanitarian interventions contrary to non-intervention rule?

- Prior to intervention was the target state in good ethical standing?

- Was the target state protecting civilian rights of the people in its territory?

Case: Globalization

- Ethically good: promoting human rights, spread of democracy.

- Ethically wrong: destructive of public authorities of all kind.

- Globalization presents us with choice between cosmopolitanism and communitarianism.

Case: Globalization - 2

- Globalization has worsened inequalities.

- Globalization aggravates alienation among people.

- It sharpens ethical shortcomings of GCS.

Single global state?

- Possible solution to ethical problems of GCS might be establishment of single global state.

But there are several problems.

1. At present there is no such state and unlikely to emerge soon.

Single global state? - 2

2. Even if world state were to emerge, it could not achieve framework within which states are constituted as free.

• A world state would put in place a single concentrated form of power and authority, diminishing diversity and freedom.

Single global state? - 3

- To overcome competition, alienation and inequality found in GCS, without undermining freedom and diversity, solution would be to establish new level of cooperation between states.

- How might this be done?

- Ready example for this is the EU.

Case: EU

- EU realized ethical harmonization of two anarchical practices.

- It is arrangement which solves the problems in GCS, while still allowing states to maintain their identities.

- Tensions between two anarchies is overcome by requiring all member states to endorse human rights commitments.

Case: EU - 2

- EU established new level of citizenship which aims to overcome <u>alienation</u> among civilians.

- EU alleviates <u>inequalities</u>.

- This has been done without establishment of supra-state and without abolishing sovereignty of member states.

Case: Torture

- Torture often used as instrument to defend some ethical values.

- Choice between concern for rights of suspected terrorists and concern with well-being of sovereign states (E.g. Breivik in Norway).

- People tortured in order to get information about impending attacks.

Case: Torture - 2

- Torture is not normally justified from ethical point of view but, exceptionally, it might be.

- Those making this case argue that the case in hand is exceptional.

Case: Torture - 3

Arguments for exceptions include:

- rights of many who will be harmed were terrorist acts be carried out;

- harm done to individual to be put against possible harm to many;

- overall utility maximized by using torture on the suspect and by avoiding terrorist act.

Case: Torture - 4

There are problems with this framing.

1. Calculation only works if it is known that suspected terrorist is indeed planning to inflict great harm.

- To torture person on suspicion that he might commit terrorist act is not ethically justified.

Case: Torture - 5

2. To find out whether person is part of a 'terrorist' network, would often end up harming innocent individuals.

- Harm inflicted would be life-long psychological harm.

3. When torture applied it is possible to force people to admit everything.

Case: Torture - 6

4. Metaphor of 'ticking bomb' is wrong as information held by one person is insufficient to halt whole process.

- Ethics claim that all people, torturers and tortured people enjoy ethical standing.

- If actions undertaken do not measure up to ethical commitments, then the actor will lose ethical standing.

Case: Torture - 7

- What is likelihood that torture can be accepted ethically?

- Chances are very slim as there is well-established norm against torture.

Worldwide recognition that torture is wrong

- No significant group of states or individuals make case in favor of torture.

- Ethical commitment against torture is embodied in international laws (UN Convention against Torture).

- There are states where torture takes place, but this is done clandestinely and no state openly defends the practice.

Worldwide recognition that torture is wrong - 2

- Those using torture keep it secret.

- It happens in secret places.

- They try to prevent publication of what they are doing.

- They seek to minimize physical evidence (e.g. 'water boarding').

Worldwide recognition that torture is wrong - 3

- Actors who make case for use of torture will find difficult to specify conditions of exception.

- This failure will open them to the countercharge that they are not upholding norms.

Must readings for this lesson:

Frost, pages: 96-149.

Justice and international politics

PIR 230, Ethics and International Affairs

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Reasoning and Justice

- Need for theory of justice, which is engagement in <u>reasoning</u> about subject.

- When we face crisis we protest rather than reason about justice and injustice.

- A crisis is injustice if it could have been prevented and if those who could have undertaken preventive action had failed to try.

Reasoning and Justice - 2

- Reasoning is moving from observation of a tragedy to diagnosis of injustice.

- Public authorities avoid to provide reasoned justification.

- Public authorities unwilling to scrutinize basis of their policies.

Reasoning and Justice - 3

- Challenge to ensure that people affected can see that justice is being done.

- Writers on justice attempt to provide analyses how to move from general sense of injustice to reasoned diagnoses of injustice, and from there to ways how to advance justice.

Enlightenment's two approaches

- Social justice received boost during Enlightenment in 18th and 19th centuries.

- Two approaches about justice among philosophers associated with that period.

- One approach (Hobbes, Rousseau, Kant, Rawls) concentrated on identifying just institutional arrangements (Transcendental institutionalism).

Transcendental institutionalism

Transcendental institutionalism has two features:

1. Attention on perfect justice, rather than on relative comparisons of justice and injustice.

2. In searching for perfection, it concentrates on getting the institutions right.

Transcendental institutionalism - 2

- This is 'contractarian' mode of thinking.

- 'Social contract' as alternative to chaos.

Realization-focused comparison

- Another approach is on social realizations (resulting from actual institutions, actual behavior) - Adam Smith, Karl Marx, John Stuart Mill, Amartya Sen.

- Comparisons of societies that already exist or could feasibly emerge, rather than searching for perfectly just society.

- Focusing on removal of manifest injustice from the world that they saw.

Transcendental institutionalism and Rawls

- It is *transcendental institutionalism* on which today's political philosophy draws on.

- Most powerful: John Rawls.

- Rawls' 'principles of justice' in *A Theory of Justice* are defined in relation to perfectly just institutions.

Rawls' Theory of Justice

- Attempt to solve the problem of *distributive justice* (socially just distribution of goods in a society).

- Rawls' two principles of justice: *liberty principle* and *difference principle*.

First Principle of Justice: <u>liberty principle</u>

Each person has equal right to basic liberties:

- To vote and run for office,

- Freedom of speech and assembly,

- Liberty of conscience,

- Freedom of personal property,

- Freedom from arbitrary arrest.

Second Principle of Justice: <u>**difference principle**</u>

- Inequalities are allowed when they benefit least advantaged.

- Inequalities are justified only to extent that it improves worst-off in comparison with the previous equal distribution.

- Social and economic inequalities to be of greatest benefit to least-advantaged.

Rawls on justice

- Justice is virtue of social institutions; way in which social institutions distribute rights and duties and determine division of advantages.

- Relations of persons situated in different states cannot be regulated by principles of justice.

Rawls on justice - 2

- States interact only in marginal ways; societies have no significant trade or economic relations.

- Each society's external behavior is controlled by its principles of justice, which prevent unjust wars and interference with human rights abroad.

Realization-focused comparison and Amartya Sen

- Sen's <u>*The Idea of Justice*</u> is linked with *realization based comparisons* that focus on advancement or retreat of justice.

- Answering questions such as '*how would justice be advanced?*' rather than '*what would be perfectly just institutions?*'.

Realization-focused comparison and Amartya Sen - 2

- He takes comparative rather than transcendental route.

- He focuses on actual realizations in the societies, rather than only on institutions and rules.

Realization-focused comparison and Amartya Sen - 3

Sen makes dual departure from transcendentalism:

- There is no reasoned agreement on the nature of 'just society';

- Choice demands comparison of justice for choosing among feasible alternatives and not identification of unavailable perfect situation.

Realization-focused comparison and Amartya Sen - 4

- Analysis of justice should not be confined to getting basic institutions and general rules right.

- We should also examine what emerges in the lives of the people from institutions and rules but also from other influences such as actual behavior.

Illustration: Three children and a flute

- Example in which you have to decide which of three children should get a flute about which they are quarrelling.

- *X child* claims flute on ground that she is only one of three who knows how to play it (others do not deny this).

- If that is all you knew, the case for giving the flute to the *X child* would be strong.

Illustration: Three children and a flute - 2

- *Y child* points that he is only one among three who is so poor that he has no toys of his own (other two concede that they are richer).

- If you had heard only *Y child*, the case for giving it to him would be strong.

- *Z child* points that she has made the flute with her own labor (others confirm this).

- If *Z child's* statement is all you had heard, you might be inclined to give the flute to her.

Illustration: Three children and a flute – 3

- What would be the final decision?

- Different persuasions (utilitarians, economic egalitarians, libertarians) say that the there is a straightforward just resolution to the issue.

- *Y child* will get support from *economic egalitarians*.

- *Z child*, will be supported by libertarians.

Illustration: Three children and a flute – 4

- Utilitarians will support *X child*.

- Three arguments each point to a different type of impartial and non-arbitrary reason.

- We may not be able to identify, without some arbitrariness, any of the alternative arguments as one that must prevail.

Illustration: Three children and a flute – 5

- There is divergence about principles that should govern allocation of resources.

- They are about how social arrangements should be made, what social institutions should be chosen, and what social realizations would come about.

- Thus, transcendental theory is not just infeasible, but also redundant.

Realizations, lives and capabilities

- Justice cannot be indifferent to the lives that people can actually live.

- Institutions and rules are important in influencing what happens, but realized actuality goes well beyond organizational picture, and includes the lives that people manage or do not manage to live.

Realizations, lives and capabilities - 2

- Freedom to choose our lives makes contribution to our well-being.

- Being able to reason and choose is a significant aspect of human life.

- Freedom makes us accountable for what we do.

- Accountability is a part of capability.

Transcendental institutionalism and global neglect

- Consider changes that can be proposed for reforming institutional structure of world today to make it just.

- E.g. reform of patent laws to make drugs easily available to needy but poor - issue clearly of importance for global justice.

- Question is what reforms do we need to make the world less unjust?

Transcendental institutionalism and global neglect - 2

- Hobbes and Rawls claim that we need sovereign state to apply principles of justice.

- In absence of such state, questions of global justice appear to transcendentalists unaddressable.

- Nagel proposes 'minimal humanitarian morality' (which 'governs our relation to all other persons').

Transcendental institutionalism and global neglect - 3

- To Nagel (transcendental), global justice is not a viable subject for discussion, since the elaborate institutional demands needed for a just world cannot be met at the global level at this time.

- 'It seems to me very difficult to resist Hobbes's claim about the relation between justice and sovereignty', and 'idea of global justice without a world government is a chimera'.

Obligations of "justice"

- *Redistributive obligations:* help those who need help.

- *Obligations of justice:* requiring greater and different kind of sacrifices from rich to poor.

- *Obligations of justice* require institutional reform - to radically restructure the world economic system.

Justice principles in IR

- Equality among nations, self-determination, nonintervention, pacta sunt servanda rule, self-defense.

- There is no guarantee that all of the world's states are just.

Justice principles in IR - 2

- *Nonintervention* principle prevent other nations from intervening in support of oppressed minority.

- Why a principle which defends a state's ability to pursue immoral end is counted as moral principle?

Distribution of resources

- Natural resources are distributed unevenly over the earth's surface.

- Some areas are rich in resources, and societies in such areas exploit their natural riches and prosper.

- Other societies do not fare well, they may attain only a meager level of well-being due to resource scarcities.

Distribution of resources - 2

- Natural endowments are "neither just nor unjust".

- It is not unjust that men are born into society at any particular position; these are simply natural facts.

- What is just or unjust is the way that institutions deal with these facts.

Distribution of resources – 3

- E.g. a caste society is unjust because it distributes benefits arbitrarily.

- Those who are less advantaged for reasons beyond their control cannot be asked to suffer pains of inequality when their sacrifices cannot be shown to advance their position in comparison with initial position of equality.

Distribution of resources – 4

- States viewing distribution of resources as arbitrary, would think that they should be subject to redistribution under a resource redistribution principle.

- Resource endowments are arbitrary in the sense that they are not deserved.

- Resources are not naturally attached to persons.

Distribution of resources – 5

- Resources are found "out there," available to first taker.

- Appropriation of resources by some will leave others disadvantaged.

- Those deprived might press claims to equitable shares.

Distribution of resources – 6

- Appropriate distributive principles compensate those who are relatively disadvantaged by the cooperative scheme for their participation in it.

- There is no reasoning to suggest that our only moral ties are to those with whom we share membership in a cooperative scheme.

Distribution of resources – 7

- Appropriation of scarce resources by some requires a justification against the competing claims of others and the needs of future generations.

- Each person has equal claim to a share of available resources.

- Resource redistribution principle would function in international society as it functions in domestic society.

Distribution of resources – 8

- It provides assurance to poor nations that their adverse fate will not prevent them from realizing economic conditions.

- In the absence of this assurance, these nations might resort to war as a means of securing the resources, and it is not obvious that wars fought for this purpose would be unjust.

Case: food as a resource

- To what extent food is a resource?

- Social factors enter into production of food.

- A nation might claim that it deserves its abundant food supplies because of investments in agriculture or high productivity of its farmers.

- On the other hand, arable land is precondition of food production and nation's supply of good land seems to be as morally arbitrary as supply of oil.

Case: food as a resource - 2

- But, arable land, unlike oil and food, cannot be physically redistributed to those nations with insufficient land.

- In absence of broader agreement to regard international society as scheme of social cooperation, formulation of acceptable food redistribution rule might be impossible.

Social contract extended to IR

- When the scope of social cooperation is coextensive with the territorial boundaries of a society, it is unnecessary to distinguish natural and social contributions to society's level of well-being.

- When scope of social cooperation is not coextensive with territorial boundaries of society, it is necessary to distinguish natural and social contributions to society's level of well-being.

International cooperation as new basis for international morality

- Main features of contemporary international interdependence are progressive removal of restrictions on trade and investment.

- Capital surpluses are not confined to investment in societies where they are produced, but are invested wherever conditions promise the highest yield.

International cooperation as new basis for international morality - 2

- International division of labor results in a system of world trade in which value established in one society (usually poor) is used to benefit members of other societies (usually rich).

- System of interdependence imposes burdens on poor and economically weak countries that they cannot avoid.

International cooperation as new basis for international morality - 3

- Industrial economies are reliant on materials that can be obtained from poor countries.

- In present structure of world prices, poor countries are forced to sell resources to more wealthy countries when those resources could be used to promote development of poor countries.

International cooperation as new basis for international morality - 4

- Global monetary system allows disturbances (e.g. price inflation) in some economies to be exported to others that may be less able to cope with their potentially disastrous effects.

- Economic interdependence is non-voluntary for worse-off participants, and which produce benefits for some while imposing burdens on others.

International cooperation as new basis for international morality - 5

- These facts describe world in which national boundaries can not be regarded as outer limits of social cooperation.

- Some societies are able to increase their level of well-being via global trade and investment while others with whom they have economic relations continue to exist at low levels of development.

International cooperation as new basis for international morality - 6

- In interdependent world, confining principles of social justice to national societies has effect of taxing poor nations.

- Principles of domestic "justice" will be genuine principles of justice only if they are consistent with principles of justice for global scheme of social cooperation.

Formulating global justice principles

- If evidence of global interdependence shows existence of global scheme of social cooperation, we should not view national boundaries as having fundamental moral significance.

- Since boundaries are not coextensive with scope of social cooperation, they do not mark the limits of social obligations.

Formulating global justice principles - 2

- Rawls' two principles hold when cooperative scheme has reached level of material well-being at which everyone's basic needs can be met.

- The world, conceived as a single cooperative scheme, probably has not yet reached this threshold.

Formulating global justice principles - 3

- People may opt for principle allowing growth at expense of some liberties, provided that benefits of growth and sacrifices of liberty are fairly shared.

- Members of wealthy nation might claim that they deserve larger share than that provided by difference principle because of their technology and efficiency.

Formulating global justice principles - 4

- Even in an interdependent world, national society remains primary locus of one's political identifications.

- Thus, differential rates of national contribution to global welfare ought to be rewarded proportionally.

Formulating global justice principles - 5

- Difference principle recognizes probability that differential rates of reward may be needed as incentives for contribution.

- Some distributive inequalities are justified even though they are not to greatest benefit of world's least-advantaged group. How?

Formulating global justice principles - 6

- Justification is on grounds of personal merit, assuming that initial distribution was just.

- A nation is entitled to its relative wealth because each of its citizens has complied with rules of justice in acquiring raw materials and transforming them into products of value.

Formulating global justice principles - 7

- These rules might require that equitable resource redistribution principle is implemented and that no one's rights are violated in process of acquisition and production leading to a nation's current economic position.

- There is disparity of possible starting points in world society.

Formulating global justice principles - 8

- No matter what talents, education, we would be precluded from attaining present level of well-being if we had been born in a less developed society.

- A wealthy nation may retain more than its share under difference principle, provided that some compensation for benefits of global social cooperation is paid to poor nations and to its own poor people.

Formulating global justice principles - 9

- International difference principle can only command redistribution of benefits derived from international social cooperation or economic interaction; it cannot touch benefits of domestic cooperation.

- International cooperation is voluntary.

- Intra-national case is nonvoluntary; system of institutions which assign rights and duties regardless of consent.

Formulating global justice principles – 10

- Amount of social/economic interaction in cooperative scheme does not provide index of strength of distributive principle.

- There are global distributive obligations and only a portion of nation's GDP would be exempt from requirements of global standard provided that it were used domestically in appropriate ways.

Case: aid

- Natural duties require to help members of society who are in need.

- A wealthy nation would be justified in using some of its resources to support domestic welfare programs.

- A wealthy nation has obligation to advance the welfare of lesser-advantaged groups elsewhere.

Case: nonintervention

- Nonintervention rule is inconsistent with commitment to protection of human rights.

- Nonintervention prevents other states from giving aid to local insurgent forces.

- When it would protect just arrangements, there is strong reason not to intervene.

Case: nonintervention - 2

- Nonintervention applies when it interferes with self-determination right.

- Also, when protecting innocent against harms that might be suffered if military intervention occurred.

- When insurgents fighting for human rights request assistance, intervention cannot be opposed as a matter of justice.

Case: participation in military forces?

- Conscientious refusal to participate in armed forces has justification, given destructiveness of modem weapons.

Case: military invasion of Iraq in 2003

- It was mistaken. Four arguments:

1. There was necessity for more global agreement via UN, before one country could justifiably land in another country.

2. Importance of being well informed on facts regarding presence or absence of WMD before taking military decisions.

Case: military invasion of Iraq in 2003 - 2

3. Informational distortion in what was presented to people, e.g. imaginary links of Saddam Hussein with 9/11, making it harder for people to assess proposal to go to war.

4. Actual consequences of intervention: would it bring peace and order or make it worse?

Readings for this lesson:

Must readings:

• **Sen, pages: 1-27.**

Optional:

Beitz, 360–389.

Nagel, pages: 113–147.

Ethics in Hiroshima and Nagasaki atomic bombing

PIR 230, Ethics and International Affairs

Dr. Islam Jusufi

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WWII and drop of atomic bomb

- Japanese were refusing to give up.

- American forces occupied Okinawa and were bombing Japanese cities.

- US had atomic bomb during WWII.

- It was used to end the war.

Japan did not surrender

- Allied Forces demanded from Japan unconditional surrender.

- Demand did not mention WMD.

- Japan rejected unconditional surrender, but there were indications that conditional surrender was possible.

Hiroshima

- On 6 Aug 1945, a plane called ENOLA GAY dropped atomic bomb on HIROSHIMA.

- 70000 Japanese died.

- Additional 100,000 died from burns and illness later.

Nagasaki

- On 9 August 1945, a second atomic bomb was dropped on NAGASAKI.

- 80000 Japanese died.

- On 14 August 1945, the Japanese surrendered.

Scenarios

- Truman rejected demonstration of atomic bomb to Japanese leadership.

- Scientific community failed to foresee awful effects of radiation.

- Truman saw little difference between atomic bombing Hiroshima and fire bombing Dresden or Tokyo.

Ethical debate

- Critics: "Absolutists" insist that to knowingly kill noncombatants is always and absolutely wrong.

- Supporters: "Utilitarians" or "consequentialists" believe that if end achieved is crucial, killing of noncombatants is justified; "Realists" hold that war by its very nature is immoral.

Critics of drop of the bomb

- Critics charge that it was barbaric act.

- It led to a dangerous arms race.

- Bombings were unnecessary as Japan was on its knees.

Critics of drop of the bomb - 2

- **Racism -** it would not be used against *whites*.

- American policy-makers had other motives: message to Soviets.

- US remains only nation in world to have used nuclear weapon on another nation.

Critics of drop of the bomb - 3

Critics share three fundamental premises:

1. Japan's situation was hopeless.

2. Japan was seeking to surrender.

3. US knew that Japan was about to surrender.

Critics of drop of the bomb - 4

- Infliction of suffering is in itself evil.

- No dilemma or moral ambiguity exists: Truman's decision was immoral.

- Bombs might have shortened war, but their use violates principle of morality: no end however good and however necessary can justify use of evil means.

Critics of drop of the bomb - 5

- WMD weapons are evil as they are qualitatively different from other weapons.

- Use of atomic bombs violated principle of noncombatant immunity.

- US knew that thousands of women and children would be killed.

Critics of drop of the bomb - 6

- Bombs were used on basis of invalid motives: retribution, revenge, reprisal.

- In using them, US was lowering itself to level of its opponents.

- No specific warning was given.

- Ends to which such weapons are directed do not matter.

Critics of drop of the bomb - 7

- No conceivable benefit of atomic bombing, such as shortening war, or diminishing total casualties, cancels out its cruelty.

- Real horror of Bomb is not blast but radioactivity.

- They knew that there would be danger from radiation, but not how much; they predicted 20,000 casualties.

Critics of drop of the bomb - 8

- Full knowledge of destructiveness of nuclear weapons came later.

- Atomic conflict is a conflict in which distinctions between combatant and noncombatant vanishes.

- It is total war.

- Fourth Hague Convention (1907) forbids any bombardment of undefended towns.

Critics of drop of the bomb - 9

- Hiroshima/Nagasaki was disproportionate to whatever end was achieved.

- In Dresden, there was supreme emergency; in Japan, no emergency.

- Allied forces had already "won" the war; what was at stake, was "only the speed or the scope of victory."

Supporters (traditionalists or consequentalists) of drop of bomb

- Truman stated that his decision to drop the bomb was purely military.

- A Normandy-type landing would have cost estimated million casualties.

- Truman believed that bombs saved Japanese lives.

Supporters

- Prolonging the war was not an option.

- Kamikaze raids had already brought destruction and loss of American lives.

- In 1945 majority of Americans regarded atomic bombs ended war and saved countless lives.

Supporters - 2

- New evidence consists of secret radio intelligence material.

- Missing information is known as Ultra.

- Allied radio intelligence was breaking into messages of Japanese leadership.

- Radio intelligence would evaluate messages and write daily summaries for policymakers.

Supporters - 3

- Intercepts included 3/4 messages suggesting possibility of compromise peace, while 13 affirmed that Japan fully intended to fight to bitter end.

- Tokyo decided not to surrender.

- Japanese position was fight to the finish.

Supporters - 4

- They aimed to have Soviets as mediators to negotiate end to war satisfactory to Japan.

- Their goal was preservation of old militaristic order in Japan.

- Japan in intercepts rejected that a guarantee of Imperial House would be a step in the direction for unconditional surrender.

Supporters - 5

- Intercepts disclosed that Japan was determined to fight against invasion.

- Japanese believed that American morale could be shattered by heavy losses in the initial invasion.

- US would then negotiate end to war far more generous than unconditional surrender.

Supporters - 6

- Assessment of end of Pacific war must include consequences of each continued day of war for populations trapped within Japan's conquests.

- They calculate that 400,000 Asians were dying each month the war continued.

Supporters - 7

- Japanese did not see their situation as catastrophically hopeless.

- They were not seeking to surrender, but pursuing a negotiated end to war that preserved the old order in Japan.

- Noncombatants may be killed incidentally if prospective benefit of that action outweigh the evil.

Supporters - 8

- Two atomic bombs were not worse than many other events in mankind's history.

- Consequences of an act are always morally relevant.

- Choosing the greater evil by letting a war go on would have been wrong.

Supporters - 9

- Strategic bombing of cities, and nuclear bombs, are horrible, but may be moral in some cases.

- Japanese, even more than the Germans, threatened to fight to the last death and take tens of thousands of Allied soldiers with them.

Supporters - 10

- Japanese citizens were not innocent victims of a militaristic regime.

- Japanese populace did not just passively support military expansion; most people competed to get front seats in the war.

- Japan also had an atomic bomb project.

Supporters - 11

- Nagasaki was a place of torpedo plant; this is where it was made the first torpedoes, the ones dropped on Pearl Harbour.

- Japanese-caused deaths: 17 million.

- Sum total of the trauma inflicted far outweighs the pain and suffering of Hiroshima and Nagasaki.

Supporters - 12

- Japanese used biological weapons.

- Japanese experimented on human beings.

Einstein on drop of atomic bomb

- "It should not be forgotten that the atomic bomb was made in this country as a preventive measure; it was to head off its use by the Germans, if they discovered it. The bombing of civilian centers was initiated by the Germans and adopted by the Japanese. To it the Allies responded in kind-as it turned out, with greater effectiveness-and they were morally justified in doing so".

Readings for this lesson:

Must readings:

Newman, pages: 115-152.

Optional: **Frank, Why Truman Dropped the Bomb; US History, The Decision to Drop the Bomb; Film: Original Child Bomb; Film: The Decision to Drop the Atomic Bomb.**

Ethics in inaction in Rwanda

PIR 230, Ethics and International Affairs
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To intervene or not?

- Even in case of brutal massacre, use of force always generates hesitation.

- It is easy to intervene in cases where it isn't expected to fight (E.g. Bosnia).

- Decisions are not focused on costs of nonintervention, but on costs to own soldiers and to politicians' political standing at home.

Overriding domestic considerations

- Ideology of cold war provided terms capable of overriding domestic considerations.

- After cold war, no comparable ideology has that capacity (Responsibility to Protect? Responsible Sovereignty?).

- Presumption against intervention is strong; deriving from opposition to imperial politics and commitment to self-determination.

Negative aim

- Interventions are not justified when pursued for sake of democracy.

- The aim is negative in character: to stop actions that ''shock the conscience'' of humankind.

- Intervention should have negative aim: remove the tyrant, set the people free, and then get out as quickly as possible.

"Bad guys" model

- What if there are overlapping sets of victims and victimizers?

- There is dependence to victim/victimizer, good guys/bad guys model.

- IC often has difficulty whom to treat as "bad guys".

"Bad guys" model and Rwanda

- This has made difficult to make decisions to stop the killings.

- Imagine that there was action in Rwanda, wouldn't be appropriate to take measures against both Hutus and Tutsis?

- Rwanda posed two simultaneous challenges: difficulty to get in and difficulty to get out.

Strategy for Rwanda

- No advance exit strategy would have worked in Rwanda.

- It would have required: a long-term military presence, ''political trusteeship'', and use of force.

- There are those who argue that there is moral imperative to stop genocide only when you can stop it completely.

Rwanda genocide

- On 6 April 1994, Rwandan President's personal plane, was shot down as it returned from Tanzania, killing him, his Burundian counterpart, and delegation members.

- Rwandan President was pressed to implement power-sharing Arusha Accord with rebels, that ended three years of war.

- To do so, would mean effective end of his 20-year, one-party rule.

Rwanda genocide - 2

- Extremists in military and government opposed the accord; they were likely culprits in assassination.

- Within an hour of plane crash, Presidential Guard, Rwandan armed forces and extremist militia began organized slaughter, of about 1 million Rwandans in 100 days.

- Hutus had been killing Tutsi.

Rwanda genocide - 3

- UNAMIR warned UN officials of existence of plot to assassinate peacekeepers and MPs, and existence of lists of Tutsis to be killed.

- On April 7, Presidential Guard killed 10 Belgian soldiers in the UN contingent protecting the Prime Minister, who was also their target.

Response to genocide

- IC landed troops in Rwanda or Burundi to evacuate their citizens, did so, and left.

- UN mission (UNAMIR), established in Oct 1993 to keep the peace; on April 21, 1994, UNSC voted to withdraw all but a remnant of UNAMIR.

- After reports of carnage, UNSC on 16 May launched UNAMIR II, but its deployment was delayed.

Response to genocide - 2

- On June 22, UNSC authorized France to intervene.

- Its intervention succeeded in saving Tutsi lives; but it also facilitated safe exit of many of genocide's plotters.

- Despite evidence of genocide, US decided against taking role in confronting the slaughter.

Response to genocide - 3

- US denied to have known of "attempted genocide" of Tutsi in Rwanda until April 20, 1994 - two weeks into the slaughter.

- US launched humanitarian relief efforts for those displaced by the genocide.

- Seeing international indifference, genocide was conducted in full swing.

Response to genocide - 4

- UN peacekeepers and evacuation force could have deterred killings had they acted promptly.

- On several occasions when they received calls from foreign governments, organizers halted attacks on Tutsi.

- Jamming genocidal radio broadcasts would have denied organizers from passing orders.

Response to genocide - 5

- IC speculated about intervention, arguing that helping "weaker" side may spur it to reject compromise and escalate fighting.

- But weaker party was genocidal government.

- Tutsi civilians were not party to conflict; helping them would not have escalated fighting but would have saved their lives.

Response to genocide - 6

- Major international actors in Rwanda - Belgians, French, UN, AU, investigated their roles in genocide.

- Genocide was perpetrated extremely quickly; about half of Tutsi victims were dead before end of third week.

- If intervention would have undertaken, victims could have been saved.

Readings for this lesson:

Must readings:

Walzer, pages: 67-81.

Optional: **Des Forges, Shame; Ferroggiaro, U.S. and Genocide in Rwanda; Walzer, pages: 33-50; Film: Shake Hands with the Devil (2007).**

Ethics in the War in Iraq and in fight against terrorism

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ETHICS IN THE WAR IN IRAQ

Ethics in the 2003 war in Iraq

- Iraq was invaded in 2003, but it is hard to see the need for it.

- It was declared as intention to deter Iraqis from developing WMD, but it turned that the goal was to overthrow Saddam Hussein.

- It is hard to judge how grave a threat Saddam posed.

Ethics in the 2003 war in Iraq - 2

- Iraq had used chemical weapons in the past and it was brutal internally and hostile externally.

- If these stipulations were valid in 2003, they have been valid for a long time.

- Iraq since 1991 was subjected to a set of constraints designed to make future aggression impossible.

There was no basis for preemption

- In absence of evidence suggesting existence of Iraqi weapons and their use, preemption was not accurate description of what US did.

- No one expected Iraqi imminent attack, so there was nothing to preempt.

- The war fought was designed to respond to political aims.

Balance of power argument

- General argument for preventive/preemptive war has to do with balance of power.

- If country X, is actively working to develop new weapons that can make deterrence no longer effective; solution is to attack now, while still possible.

- But, the danger to which it alludes is distant and speculative, whereas costs of preventive war are near, certain, and usually terrible.

Balance of power argument - 2

- Distant dangers might be avoided by diplomacy, or by balance of power.

- There is no sufficient reason for making the use of force as first resort; it should be last resort.

- But old argument for preventive war did not take into account WMD that allow no time for arguments about how to respond.

- Israeli attack on the Iraqi nuclear reactor in 1981 was preemptive: Iraqi threat was not imminent, but an immediate attack was thought to be only reasonable action against it.

Consequences of Iraq war

- What ensued after 2003 invasion, was increasing violence.

- Sectarian conflict: Sunni Arab insurgency, emergence of Shiite militias, Al Qaeda and later ISIS, and widespread criminality.

- Global standing of United States was diminished.

Consequences of Iraq war - 2

- Ethical act would have been for US to withdraw its troops and to give Iraqi government opportunity to achieve national reconciliation.

- Ethical act came, but very late.

- US shifted blame onto hapless Iraqi government.

No respect to autonomy and non-intervention values

- US failed to give sufficient weight to value of autonomy which is core value.

- Undermining autonomy led to resentments and hostilities within Iraq and widely.

- It failed to respect non-intervention rule.

- No good reasons for exception to the norm were produced.

Claims proved wrong

- US justified intervention on grounds that Iraq failed to abandon WMD.

- Another excuse was Iraqi links with terrorists.

- No global agreement was reached.

- These claims proved to be false.

Goal – regime change

- Other justifications: regime change and promotion of democracy.

- But justifications after the event lack power.

- Withdrawal from Iraq became strength as it allowed Iraq to re-gain its sovereign status.

Withdrawal as unethical act

- It withdrew in 2011, but it did not take into account consequences of withdrawal that in turn became unethical act.

- There was no clear understanding of ethical grievances of other parties to the conflict.

Misinformation

- Informational distortion in what was presented to people, e.g. imaginary links of Saddam Hussein with 9/11, making it harder for people to assess proposal to go to war.

- Importance of being well informed on facts regarding presence or absence of WMD before taking military decisions.

ETHICS IN THE FIGHT AGAINST TERRORISM

Ethics in fight against terrorism

- In fight against terrorism, ethical question is torture used against terror suspects.

- Harsh methods were used at Guantanamo Bay to interrogate terror suspects for revealing "valuable intelligence information".

- But, no evidence that anything that is revealed helped to prevent terrorist attacks.

Torture

- UN Convention Against Torture, 1994, criminalizes torture, including cruel, inhuman or degrading treatment or punishment" (CID).

- CID techniques used in Guantanamo: Waterboarding, 20-hour-a-day questioning, menacing with dogs, stripping them naked in front of women.

Torture - 2

- Methods like these are banned because they "shock the conscience".

- Assaults on human dignity are not what US stands for.

- In Bush lexicon, US has no obligation to prevent such methods from being used in interrogations performed outside US.

Torture - 3

- Torture often used as instrument to defend some ethical values.

- Choice between concern for rights of suspected terrorists and concern with well-being of sovereign states (E.g. Breivik in Norway).

- People tortured in order to get information about impending attacks.

Torture - 4

- Torture is not normally justified from ethical point of view but, exceptionally, it might be.

- Those making this case argue that the case in hand is exceptional.

Torture - 5

Arguments for exceptions include:

- rights of many who will be harmed were terrorist acts be carried out;

- harm done to individual to be put against possible harm to many;

- overall utility maximized by using torture on suspect and by avoiding terrorist act.

Torture - 6

There are problems with this framing.

1. Calculation only works if it is known that suspected terrorist is indeed planning to inflict great harm.

- To torture person on suspicion that he might commit terrorist act is not ethically justified.

Torture - 7

2. To find out whether person is part of a 'terrorist' network, would often end up harming innocent individuals.

- Harm inflicted would be life-long psychological harm.

3. When torture applied it is possible to force people to admit everything.

Torture - 8

4. Metaphor of 'ticking bomb' is wrong as information held by one person is insufficient to halt whole process.

- Ethics claim that all people, torturers and tortured people enjoy ethical standing.

- If actions undertaken do not measure up to ethical commitments, then the actor will lose ethical standing.

Torture - 9

- What is likelihood that torture can be accepted ethically?

- Chances are very slim as there is well-established norm against torture.

Worldwide recognition that torture is wrong

- No significant group of states or individuals make case in favor of torture.

- Ethical commitment against torture is embodied in international laws (UN Convention against Torture).

- There are states where torture takes place, but this is done clandestinely and no state openly defends the practice.

Worldwide recognition that torture is wrong - 2

- Those using torture keep it secret.

- It happens in secret places.

- They try to prevent publication of what they are doing.

- They seek to minimize physical evidence (e.g. 'water boarding').

Worldwide recognition that torture is wrong - 3

- Actors who make case for use of torture will find difficult to specify conditions of exception.

- This failure will open them to the countercharge that they are not upholding norms.

Readings for this lesson:

Must readings:

Walzer, pages: 143-168.

Optional: **Frost, pages: 45-53; Luban, Torture, American-Style; Rejali, Five Myths about Torture and Truth; Hersch, Torture at Abu Ghraib; Documentary: PBS Frontline's "The Torture Question"; Film: "Ghosts of Abu Ghraib"; Film: The Fog of War.**

Ethics and the Use of Force

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Surge and retreat in humanitarian interventions in 1990s

- Democratic legitimacy - to establish democracies, became basis for interventions.

- Growing enthusiasm to humanitarian operations in post-Cold War era.

- But, after Somalia - 1993, attitude toward interventions became more cautious.

- Immediate effect of this caution was inaction in Rwanda.

Definition of humanitarian intervention

- Humanitarian intervention: threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.

Definition of humanitarian intervention - 2

Two actions are excluded:

- non-forcible interventions such as the threat or use of economic, diplomatic, or other sanctions; and

- forcible interventions aimed at protecting or rescuing the intervening state's own nationals.

The nationality of those aided is relevant: Humanitarian interventions are about saving strangers.

Theories of justice of humanitarian intervention

- Utilitarianism (is just if it saves more lives than it costs).

- Natural law (human beings have certain moral duties by virtue of their common humanity; obligations go beyond national borders).

- Social contractarianism (just if the citizens of a state would consent to them).

Theories of justice of humanitarian intervention - 2

- Communitarianism (justified when it is a response to acts that shock the moral conscience of mankind).

- Legal positivism (just if they are lawful; if they are enacted according to accepted procedures).

Classsicists: Arguments against the legality of humanitarian interventions under UN Charter

- Article 2(4): "[a]ll states . . . refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any state."

- Article 2(7): "[n]othing in the present Charter shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state."

Legal realists: Arguments for legality of humanitarian interventions under UN Charter

- Article 39 (Charter VII): Security Council may authorize the use of force in response to "any threat to the peace, breach of the peace or act of aggression."

- Article 2.7 concludes: "this principle shall not prejudice the application of enforcement measures under Chapter VII."

Human rights conventions

- States are not free to treat their own citizens as they wish.

- Most states are signatories to human rights conventions that oblige to respect the human rights of the citizens.

- HR conventions permits the UN Security Council to authorize humanitarian interventions by its members.

International customary law: realists

- Existence of a customary right of unauthorized humanitarian intervention.

- Practice in the 19th and 20th centuries established such a right; a right that was "neither terminated nor weakened" by the establishment of UN.

- This right remains: "only its limits and not its existence is subject to debate."

Classicists on customary law

Classicists contest this view:

- Pre-UN humanitarian interventions (Britain, France, and Russia in Greece [1827–30]; France in Syria [1860–61]; Russia in BiH and Bulgaria [1877–78]; US in Cuba [1898]; Greece, Bulgaria, and Serbia in Macedonia [1903–08, 1912–13]) were insufficient to establish a customary right of humanitarian intervention.

Classicists on customary law - 2

- Such a right was not exercised in face of greatest humanitarian catastrophes of pre-UN era: plight of Ottomans and of Armenians (1914–19), starvation of 4 million Ukrainians by the Soviets (1930s); massacre of hundreds of thousands of Chinese by Japanese (1931–45); and extermination of 6 million Jews by Nazis (1939–45).

- No evidence that the international community considered such a right legally binding.

Classicists on customary law - 3

- It lacks two attributes of a binding international norm: general observance and widespread acceptance.

- Highly selective exercise of right of unauthorized humanitarian intervention.

- No intervention done in number of cases.

General observance?

- Intervention is framed as "right" of states and not as "obligation" requiring action.

- Inherent in conception of "right" is element of "selectivity" in exercise of that right.

- However, selectivity of its exercise is no barrier to its being a customary international law.

Widespread acceptance?

- Task of showing that a right of unauthorized humanitarian intervention is widely accepted is difficult.

- Long list of UN General Assembly resolutions rejecting such a right argues strongly against this claim. E.g. In 1999 body passed the denunciation of NATO's intervention in Kosovo.

Dilemmas

- States have to choose between compliance with formal prohibition against intervention and response to urgent moral appeals.

- Suspicion of unauthorized interventions.

- Suspicion of unilateral interventions; preference given to collective interventions.

Realist Arguments

- Realists hostile to any intervention that is justified for ethical reasons.

- States only act when it is in their interest to do so.

- Interventions work only when they are closely connected to real interests.

Realist Arguments - 2

- To expect them to support genuine humanitarian action is to engage in self-delusion, error, and hypocrisy.

- Leave humanitarianism to Red Cross or Medicins sans Frontieres.

- Imperatives for interventions are not self-evident; they are ''constructed.''

Liberal Arguments

- Not every violation can justify intervention.

- People should be left alone to work out their own governance.

- A version of liberalism makes sovereignty subordinate to human rights claims.

Liberal Arguments - 2

- Priority given to universality of moral claims.

- Severe human rights violations overcome presumption against intervention.

- When government turns against its own people, we must doubt existence of political community to which idea of self-determination applies.

Liberal Arguments - 3

- Individual state sovereignty can be overridden whenever protection of human rights can be assured only from the outside.

- Members of the international community are not obliged to ''respect the sovereignty'' of a state that grossly violates human rights.

Older traditions

- Older traditions justify use of force not only in self-defense but also to punish wrongs and protect innocent.

- Interventions permissible to enforce standards of civilized conduct when rulers violate those standards.

Older tradition: "Law of nations"

- 16th - 17th century moralists justified war as way to uphold law and protect rights.

- Rulers have right and duty to enforce certain laws beyond their realms.

- These rules belonged to ''law of nations'', understood not as international law but as principles of law recognized in many different communities.

Older tradition: "natural law"

- "Natural law" comprising principles binding on all rational beings.

- Violations of natural law as basis for punishment of such violations.

- A sovereign is justified in punishing crimes that another commits, provided the offense is ''very atrocious and very evident.''

Older tradition: "natural law" - 2

- Any person may assist any victim of oppression who invites assistance.

- To come to aid of oppressed is not only right but also duty.

- It is act of oppression, not a request for assistance, that justifies intervention.

Older tradition: "natural law" - 3

- Here is new principle - victims of oppression must request outside assistance by mounting their own armed resistance.

- By 19th century, this principle was used to argue against humanitarian intervention.

- Subjects of oppressive ruler must win their own freedom.

End of "natural law" era and emergence of "international law" era

- Emergence of "International law" (non-intervention) replacing "natural law".

- International Law as enacted by joint will of sovereign states.

- If there is any legal basis for humanitarian intervention, it must rest on agreement among states to recognize such principles as law.

Common morality

- Natural law did not disappear; it continued to function under banner of morality.

- Emergence of ''common morality'' binding on all human beings.

- Common morality is opposed to communitarian ethics that grounds moral duties on custom and consent.

Common morality - 2

- Humanitarian intervention is response to human rights violations, and human rights rest on principles of common morality.

- Common morality does not limit the use of force to self-defense only.

- It permits to defend rights of others when those rights are threatened.

Common morality - 3

- It is justified to use force to thwart violence against other persons, provided those persons are morally "innocent" – not engaged in unjust violence.

- Using force to resist those who attack the innocent does not violate the attackers' rights because they have lost the moral right to act as they choose.

Three principles of common morality

Common morality stipulates three aspects of decision to intervene:

1. Under what circumstances such action is morally called for.

2. Who should intervene?

3. What must be done to avoid the charge that we are standing idly by?

When is humanitarian intervention permissible?

- Human rights, particularly right to life and rights against torture, arbitrary detention, and racial discrimination (genocide and ethnic cleansing) should be in question.

- Nonintervention principle is not a shield behind which unjust state can hide while it violates the moral rights of its subjects.

Who should intervene?

- States should do the intervening.

- International community should authorize humanitarian interventions.

What means of protection are called for?

- Coercive action is not immoral if it is aimed at those who are themselves acting immorally.

- Interveners must comply with war laws.

- State is not obliged to intervene at great cost to itself.

- Risking to save others is praiseworthy, but common morality does not ask for it.

Intervention under common morality justified under three conditions

1. It must be extraordinary remedy, chosen in response to grave human rights abuses that cannot be ended by diplomatic means.

2. Interventions should be approved by recognized international authority.

3. Any intervention must be conducted by morally permissible means.

Readings for this lesson:

Must readings:

Rosenthal, pages: 67-82; 85-99.

Optional:

• Arend, pages: 89-102.

• Walzer, pages: 3-23.

Ethics of Foreign Aid

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What is foreign aid (FA)?

- Basic meaning: transfer of money, goods and services from one nation to another.

- FA as financial flows, technical assistance, and commodities that are designed to promote economic development and welfare.

- FA appeared in inter-war years (1919-1939) and intensified during Cold War.

Scale of FA

- Global ODA increased to $68 billion in 1992, to more than $100 billion in 2010s.

- EU, US, Japan world's largest donors (in terms of dollars).

- Norway, Denmark, Luxembourg, Netherlands, Sweden, Saudi Arabia world's largest donors in terms of a share of donor income.

- Pledge is to reach 0.7% of GDP in aid by 2025.

Who Gives FA, and Who Receives It

- Historically most FA has been given as bilateral assistance directly from one country to another.

- From North to South, but increasingly between South and South.

- Donors also provide FA indirectly as multilateral assistance such as via UNDP, which pools resources.

Why do Donors Give FA?

- Economic growth.
- Peace.
- Democracy.
- Political (E.g. support to Egypt and Israel; Taiwan aid for recognition of their independence; aid from former colonizers and former colonies).
- Security and defense cooperation.
- UN voting.
- Encourage exports from donors ("tying aid", "rules of origin" principles).

Types of FA

- Humanitarian foreign aid.

- Subsistence foreign aid (budgetary support).

- Military foreign aid.

- Bribery.

- Prestige foreign aid.

- Foreign aid for economic development.

Theoretical perspectives on FA

- <u>Realism</u>: tool to influence political judgments of recipient nations.

- <u>Liberal institutionalism</u>: tool to enhance economic, political development; fulfillment of obligation of rich nations toward poor; internationalization of welfare policies.

- <u>World system theory</u>: means of preventing development of recipients, promoting unequal accumulation of capital in the world.

Theoretical perspectives on FA - 2

- <u>Societal perspective</u>: reflection of social relations of states as individuals have social relations.

- <u>Practices theory</u>: practice of signaling a social hierarchy or symbolizing domination.

- <u>Dependency theory</u>: neocolonial exploitation of backward nations; FA serving maintain colonial relations.

Poverty

- Annual death toll from poverty is 1/3 of all human deaths.

- 2.5 billion people live below $2 per day poverty line; constituting 40% of world's population.

- Poverty can be eradicated. How?

Structural perspective

- Poverty is harm inflicted upon the global poor.

- Poverty and its persistence are not due exclusively to local causes.

- Aiding poor is not generous on part of givers; it is their duty as they owe it to poor.

Structural perspective - 2

- Failure to aid would not be merely lack of generosity.

- 1 billion citizens of rich countries are not morally entitled to their 80% of global product.

- Poverty is not result of differences in culture, institutions, climate.

Structural perspective – 3

- Poverty is result of violent history (colonialism) through which the present poverty arose.

- Great economic advantages are preserved by imposing a global economic order that is unjust.

- Global poor have compelling moral claim to some of world's richness.

Structural perspective – 4

- By denying to poor what they are morally entitled to and urgently need, the rich world is actively contributing to their deprivations.

- Global institutions are causally implicated in the reproduction of massive severe poverty.

Positive and negative duties of the rich

- Rich have positive duties to rescue poor from poverty.

- Rich have also negative duties: not to expose people to life-threatening poverty and to shield them from harms for which rich would be actively responsible.

Institutional arrangements leading to poverty

- Rich countries insisted on protections of their markets and intellectual property.

- It impairs export opportunities for poor countries.

- Rich countries pay nothing for externalities they impose through their disproportionate contributions to global pollution and resource depletion.

Poorly governed poor

- Poor people are poorly governed and much against their will.

- They are exposed to such ''government'' because the rich states recognize their rulers as entitled to rule; rich pay these rulers for resources, rich sell them the weapons.

- So, local misrule is fueled by global rules.

John Rawls on Duty of assistance

- Poor lack the political and cultural traditions, human capital and know-how, and resources needed.

- Goal of rich is to bring poor societies into the society of developed countries.

- Rich have a duty to assist poor societies.

Making poor rich is not the goal

- Levels of wealth among societies vary; adjusting those levels (making them rich) is not part of duty of assistance.

- Duty of assistance is limited with establishing just basic institutions for a free democratic society and to secure a social state that makes possible a worthwhile life for all its citizens.

Political culture matter for Rawls

- For Rawls, political culture matters.

- Merely dispensing funds will not suffice.

- Emphasis on human rights may work to change situation.

Human Rights as a condition

- Amartya Sen found that food decline need not be main cause of famine.

- Main problem is failure of governments to properly distribute and remedy the effects of shortfalls in food production.

Reasons for aid

1. Relieve the suffering and hardships of the poor.

• The poor should have only sufficient means to lead reasonable lives.

2. Poverty makes poor be stigmatized and treated as inferiors.

3. Ensure equality of opportunity.

Readings for this lesson:

Must readings:

- Rosenthal, pages: 307-314.

- Rawls, pages: 105-120.

Optional:

- Kuper, pages: 107-120; 125-126.

- Rosenthal, pages: 285-301; 317-327; 329-333.

- Singer, pages: 121-124; 127-128.