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## THE FUTURE OF MORALITY AND INTERNATIONAL JUSTICE

*Summary: The focus of this paper will be on the issue of justice, specifically in international relations. In that context, a number of existing theories of international justice will be briefly reviewed. Afterwards, I will turn to the question of what justice actually is. The assertion that justice is based on the idea of freedom will be substantiated. I will attempt to support my position with Doyle's and Kant's argumentation. It will be concluded that there are robust arguments in favor of the thesis that our historical development is marked by a gradual expansion of freedom and justice. Furthermore, we have strong reasons to aspire liberal internationalism based on the idea of humanity's gradual approximation of some form of global state, because such a conception might be the best warrant of justice in international relations.*

*Key words: liberal internationalism, communitarianism, justice, normative will, freedom, politics, ethics, the future.*

Different schools have been addressing the issue of justice in the international arena. Their theoretical frameworks range from realism (as a traditional state-centred approach) to cosmopolitan views of one world state. The primary line of division is between community-based theories and liberal internationalist approaches. Community-based theories will be sub-divided into three schools. The wide variety of liberal internationalist approaches will also not be comprehensively reviewed, but only illustrated on the basis of positions that are selected not only for their relevance, but also because of the diversity of views or methodologies they represent within the framework of the liberal internationalist idea.

Community-based theories can be broken down into realism, nationalism and civilizationalism:

1) *Realism* is a classical community-based model for understanding and managing interstate relations. Traditionally it is a dominant paradigm in international political theory. Its state-centric approach insists on conflict rather than on cooperation among political

actors in the international realm. Accordingly, the notions of power, national interest and security figure most prominently in its conceptions. Classical theoretical statements of the realist paradigm include the works of Machiavelli, Hobbes and Clausewitz (1873), while for more recent statements instructive are Schmitt (1950), Morgenthau (1985) or Oppenheim (1991).

2) *Nationalism* provides a further normative basis to the realist paradigm, in that it considers national identity to have an ethical value that contributes to the development of individual identity. Without national identity, we would be deprived of a crucial element of our moral agency. For an understanding of relatively recent theoretical standpoints of that type, useful are Tamir (1993), Walzer (1994), Miller (1995), Moore (2001), but also Dagger (1997).

3) In addition to realism and nationalism, a separate community-based approach is the one that can be called *civilizationism*. It has become a prominent paradigm in the 1990s after the publication of Samuel Huntington's article "Clash of Civilizations" (Huntington, 1993). Its key thesis is that the issue of civilization is a critical factor in international relations. It is cultural and religious bonds, rather than political or economic ones, that shape human reality and hence are also the basic point of reference in international relations.

Opposed to community-based theories are liberal internationalist approaches. They are not based on any concept of community, be it the state, the nation or civilization – save the concept of humanity in general. Their philosophical basis is liberal individualism, while their practical extension is some type of cosmopolitan order.

In Beitz (1979) it is argued that the parallelism between individuals and states is inappropriate. Consequently, he also favours *international* distributive justice (Beitz 1979: 180). According to his conception, members of some states might have obligations of justice with respect to individuals elsewhere (Beitz 1979:182). In other words, arguments for social and economic equality should also apply in a global context. Hence, Beitz rejects the concept of special responsibilities to those who are nearest and dearest and only residual responsibilities to distant strangers.

For a standpoint that challenges Rawls's theory of justice by defending the concept of a global original position, instructive is

Barry (1989)<sup>1</sup>. Barry is not convinced by Rawls's reasons not to adopt a global original position: "If Rawls's arguments are valid for domestic justice, why would not the same arguments compel the representatives of countries to choose a global difference principle to govern relations among states? I must confess that I can see no reason" (Barry 1989: 189). Barry's confession explains his claim that, according to Rawls, the principles that would be chosen behind the "veil of ignorance" are those of liberal nationalism, instead of liberal internationalism (Barry 1989: 185).

For another statement in favour of a global original position, our attention deserves Pogge (1994). Pogge also argues against Rawls's lack of egalitarianism on a global level, saying that a number of analogies of Rawls's principles of justice can be drawn on that level (equality of chances to influence trans-national political decisions and equality of opportunity for similarly talented and motivated persons to obtain good education and professional positions irrespective of the society into which they were born), but wishes to limit his discussion only to the global analogy that can be developed from Rawls's distribution principle. This analogy asserts that international social and economic inequalities ought to be arranged to the maximum benefit of the world's worst-off persons. Thus, Pogge believes that such a principle ought not to apply only to the level of particular states, but also to a universal, global level.

Another liberal internationalist position is corroborated in Held (2003). Held elaborates on what is required for a "cosmopolitan polity" to complement administrative, legislative and executive capacity at the local and national levels with similar capacities at regional and global levels. That is the creation of regional parliaments and governance structures (e.g., in Latin America and Africa), as well as the strengthening of similar bodies where they already exist (EU). Held also favors a reform of the General Assembly of the UN. In addition to that, he advocates the opening of functional governmental organizations (WTO, IMF, World Bank etc.) to public examination and agenda setting, general referenda concerning the implementation of core cosmopolitan concerns and the development of a

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<sup>1</sup> An elaboration of Rawls's theory of justice would exceed the aims of this paper. My assumption is that the reader has sufficient knowledge of it. Otherwise, Barry's and Pogge's references to Rawls will not be fully comprehended.

cosmopolitan law-enforcement and coercive capability (Held 2003: 176–79)<sup>2</sup>.

A remarkable statement can be found in Wendt (2003: 491–92). Wendt proposes a teleological theory which suggests that a world state is inevitable within 100–200 years. Since military technology and war are becoming increasingly destructive, they are aiding the “protective tendency” of world state formation. Based on this argumentation and according to the methodology Wendt applies, the outcome of one global state is thus to be expected as a necessity – even in the relatively near future.

Raffaele Marchetti develops a “cosmo-federalist position” that is grounded in an ethical theory of choice-based consequentialism and a political theory of cosmopolitanism (Marchetti 2008: 36). The value of Marchetti’s book is both in his solid review of different theories of international justice, as well as in his attempt to relate his cosmopolitan conception to a specific ethical theory. Marchetti’s commitment to the idea of one world state is perhaps best exemplified by the opening sentences of the book: “Either democracy is global or it is not democracy.... Any political system that applies allegedly democratic principles within a limited scope is either hypocrisy or an illusion” (Marchetti 2008: 1).

Being cosmopolitan theories, liberal internationalist approaches are aimed at transcending the political status quo, including the one in international relations. Their critical attitude toward subsisting political practices directs them to the realm of ethics. And that is a crucial difference between them and the community-based theories. The latter ones are not only apologetic to the status quo -in that they accept existing communities to be the necessary elements of our moral agency – but they also fail to seriously question the moral value of the currently hegemonic political realm. It is thus always existing states (realism), existing nations (nationalism), or existing civilizations (civilizationism) that have a moral value. This understanding of subsisting practices as being founded in morality is political in nature. On the other hand, philosophy and ethics have traditionally been critical to the status quo (remember Socrates).

Since our aim is not to be apologetic to the political status quo, but to question its moral rightfulness, we are led to the issue of

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<sup>2</sup> See also Held 2002.

justice. What is justice after all? A review of different ethical theories would of course fall outside this paper's scope and hence I will limit myself to giving an elaboration of a conception of justice I presented elsewhere<sup>3</sup>, relating it to Doyle's and Kant's notions, as well as to the issue of international justice.

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Justice is a state of affairs we believe ought to exist as a common standard. The reason why it ought to exist is not always rationally comprehensible. Why we ought to help those who are in need of help, or why we ought not to grab the only seat in a bus just in front of a disabled person (in spite of the fact that we might get away with it unpunished in any form), is not something we can explain in terms of our rational interest. It is our *intuition* that tells us that we are abandoning a "law" according to which things ought to happen if we do not act in a way we feel to be morally proper. This law is not a written law or any other socially determined law. Its essential element is the concept of the "one thinking in terms of all", which primarily includes the abandonment of mere self-interest. It is a law that is outside the political realm and is therefore different from Rousseau's concept of the general will (which Rousseau also defines by using the formulation of "the one thinking in terms of all"). It is the *moral law*.

Is this law subjective or objective? It is subjective in the sense that we act justly or not on the basis of our personal morality, i.e. our positioning towards the moral law. Our moral preferences are not defined in a set of rules specifying the content of the moral law. Moreover, this law is not accepted in a number of *specific* societies, but contains something that comes close to *general validity in humanity*. It is thus not particularistic or communitarian, but universal. Being different from Rousseau's general will (which might be criticized for being particularistic), I term it the *normative will of humanity* (Rakic 2004: 31–34). And that will is precisely what justice is. It is a stable ethical and universal will, not a changing political and particularistic one (even if it is called the "*general will*").

In that sense, the moral law, justice, as well as the normative will have an objective value. Objectivity in the moral realm is secured when a moral act approaches consensus in humanity. The

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<sup>3</sup> See Rakic 2004.

moral law or justice cannot achieve the sort of objectivity characterizing natural sciences, but objectivity can indeed be attained in the moral realm if moral actions are judged by their acceptance in the largest possible community, i.e. in humanity.

The essential building blocks of the concept of “the one thinking in terms of all” encompass:

1) impartiality; this presupposes a certain distance towards all individuals, including ourselves;

2) the individual as the basic unit of justice and morality; this means a rejection of the use of individuals as means to ends that do not respect human dignity – a facet with clearly Kantian underpinnings.

It deserves emphasis that (1) and (2) are both based on the postulate of equality of all individuals. Furthermore, they do not provide the moral law with any content.

The question is whether this content can be provided by something other than our intuition. A variety of attempts have been made to supply justice with a rational substance. One of them was the concept of (re)distribution of wealth. (Re)distribution, however, is something incidental to the concept of justice, and not something that is in its essence. How incidental it is, is proven by the fact that there has not been any agreement about it, neither among the community of political scientists or economists, nor among the population in general. The only general agreement that has been reached about the distribution of wealth is that nobody should die or heavily suffer as a consequence of his or her poverty. It is difficult to find a sane person who would be, for instance, in favor of starving people to death. But any kind of similar agreement concerning the degree of redistribution of wealth via taxes is lacking. Even if we assume Rawls’s “veil of ignorance”, there is no indication that the vast majority of respondents behind the veil would opt for a society in which the worst off would receive the highest minimum. There might be a significant number of rational people who would gamble and hope to be in the group of extremely wealthy individuals, taking the risk to end up even in the cluster of the very poor. Since failing to achieve anything close to agreement about the degree of possible redistribution of wealth, distributive justice remains without a rational content. Since not being based in the moral law, it is not more than distributive “justice”.



Similarly, the concept of the dictatorship of the proletariat, although assuming a triumph of justice, fails to give us an indication of the content of this justice (apart from indications by its proponents that they understand it as a general emancipation of humanity). The utilitarian concept of justice struggles with the same problem. If we understand justice as social utility, the difficulties start at the point when we try to define this utility. If we define it, we will face disagreements right away.

Hence, agreement about justice exists:

- a) as long as we keep its content undefined;
- b) if we base its content on intuition.

The most *rational* solution I can propose is the latter option: to found justice on intuition, i.e. on humanity's positioning toward those concepts that are candidates for the status of moral law. A moral concept that acquires a close to general agreement in humanity is then the normative will of humanity. And this will is nothing other than justice. Paradoxically, its rationalization has a dominant intuitive element.

The question now is how we can act in a just manner. What are the requirements of justice? A prerequisite for acting *intentionally* in a just manner is to be free. Without being free, one cannot act in a just manner because he wills so, but only because he is forced to. A truly just act, on the other hand, is one that is performed on the basis of our free will. The issue of justice is thus to a significant degree an issue of freedom. In fact, justice is founded in our free will.

Freedom being the essential precondition for intentional just acts has major ramifications for the debate between different types of communitarian theories and liberal internationalism. If we can prove, namely, that our historical development is marked by an expansion of freedom, its implication is that the *opportunity* of intentional justice is also expanding. And if we define justice as the normative will of *humanity*, international justice has a plainly cosmopolitan perspective. This would favor liberal internationalist theories at the expense of their communitarian counterparts: not only that justice which transcends national boundaries is superior to particularistic concepts of justice, but it has then also a better perspective of being realized. And if Wendt is right, i.e. if a world state

is indeed inevitable, our most rational strategy would be first to comprehend this necessity and then to act upon it.

Let us first turn to a cogent testimony in favor of the thesis that the number of liberal states is on the increase in modern history: Michael Doyle's pivotal article "Kant, Liberal Legacies, and Foreign Affairs" (Doyle 1983). Afterwards we will substantiate the link between freedom and justice. Doyle provides in his article cogent empirical evidence for the continuous increase in number of liberal states in the last two hundred years. His findings are the following: in the 18<sup>th</sup> century three liberal regimes, between 1800 and 1850 eight, between 1850 and 1900 thirteen, between 1900 and 1945 twenty nine, and after 1945 forty nine<sup>4</sup>.

If Doyle's findings for states are applied to individuals, i.e. if an increase in number of liberal states implies an increase in number of free individuals, we might conclude that we inhabit a world that is becoming increasingly free and hence has an augmented *potential* of being just<sup>5</sup>. Consequently, indirect support is furnished for the idea that justice is coming nearer. After cogently supporting the thesis that the number of liberal states is on the increase, Doyle presents forceful empirical evidence for the hypothesis that liberal states do not wage wars against each other. Hence, support is also provided for the idea that we inhabit a world that is gradually becoming more peaceful.

There are, however, also non-historical arguments that indicate that justice is coming nearer. I will present two of them, one from the domain of political philosophy, the other a purely logical one<sup>6</sup>:

1) Ever larger portions of humanity becoming free, means that not only the concept of freedom will be enacted into laws, but also the concept of equality of all individuals (slaves or serfs were obviously not equal to free citizens, whereas all citizens in true democracies are equal). Since freedom is the pre-condition for intentional just actions, and since the concept of justice as the "one thinking in terms of all" is inseparable from the postulate of equality of all

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<sup>4</sup> It is relevant to emphasize that Doyle's article was published in 1983, i.e. before the breakdown of state-socialism in Central and Eastern Europe. As we know, this breakdown was followed by a further increase in number of liberal states.

<sup>5</sup> For my substantiation of the idea that our historical development goes in the direction of an expansion of freedom and justice, see Rakic 2004: 13-16, 35-38 and 47-51.

<sup>6</sup> For these two, as well as for other arguments, see again Rakic 2004:47-51.

individuals (Rakic 2004: 13–15), it is justice that is being increasingly present in the legal systems of our world. Consequently, ever larger portions of humanity will acquire the “habit of justice”<sup>7</sup>, which will have its impact on education, media and other components of communication conducive to a just, truly democratic (political) culture. This argument favors the conception of history as the development of justice, and not only as the development of freedom.

2) The logical argument is the following. Since we do not act as we know how we ought to act, history will by necessity reach a stage at which this discrepancy will disappear. It is unimaginable, namely, that human beings will *never* reach a point at which they will act as they believe they ought to. Thus, if we presuppose that history will last sufficiently long, even if that implies the assumption of eternity, human beings will continue to behave in an increasingly just manner<sup>8</sup>, and at one point in time they will act in full agreement with their true intentions. That will be a stage at which we will act in accordance with justice on the basis of our free will. As a matter of fact, we will use our freedom with justice as its purpose.

Finally, let us turn to Kant. When we deal with his vision of future world society, an understanding of two concepts is essential: the concept of “perpetual peace” and the concept of the “ethical commonwealth”<sup>9</sup>. Concisely formulated, the ethical commonwealth is a perfectly just community that consists of morally advanced humans<sup>10</sup>. Kant asserts that we are gradually coming closer to the historical stage marked by these two concepts, which Kant uses to describe what might be interpreted as the “purpose of history”.

Kant’s understanding of history is fundamentally a moral one, because the alternative to the view of history serving a purpose

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<sup>7</sup> For an explanation of the formulation “habit of justice” see Rakic 2004:33.

<sup>8</sup> A development in the opposite direction is unimaginable, because the history of expansion of freedom and justice is accompanied by a corresponding history of human thought. This history cannot be reversed. The stage that the ideas of freedom and justice have reached cannot be passed in reverse.

<sup>9</sup> For the concept of the ethical commonwealth, consult Kant 1793. For the notion of perpetual peace, see Kant 1795.

<sup>10</sup> I will not go into the multifarious understandings of the ethical commonwealth, including the dilemma whether it is only an ethical or also a political community that Kant envisions in the far future. For the purposes of this article, the concise formulation of the concept that is provided here ought to be sufficient.

would be to accept the possibility of humans regressing to barbarism. Ultimately, the affirmation of progress is motivated not by empirical or theoretical but by moral consideration. Consequently, a society marked by the ethical commonwealth and by self-perpetuating peace as the final stage of humanity's historical progress is also morally motivated.

But what does this moral motivation entail? For Kant, it is duty. We are morally obliged to assume the coming of justice, i.e. the arrival of the ethical commonwealth and perpetual peace. It is useful to link Kant's concepts of the ethical commonwealth and perpetual peace to his postulations on the immortality of the soul and the existence of God. Kant, namely, derives the postulate on the immortality of the soul from his understanding that the highest good (morality) can only be accomplished by assuming an endless development of the human capacity for the good. The highest good can only be attained in eternity. Because of that, it is our moral duty to assume the immortality of the soul. Concerning the existence of God, Kant provides us with a related argument: the achievement of the highest good is not possible without God, and hence we are morally obliged to postulate God's existence<sup>11</sup>. All in all, it is duty that makes us *assume* the development of the world in the direction of justice (marked by the ethical commonwealth and perpetual peace), as it is our duty to presuppose the immortality of the soul and the existence of God.

In light of the lines of reasoning that have been presented here in favor of the thesis that history is approaching justice (Doyle's indirect argument based on the increase in number of liberal states in modern history, my own contentions and Kant's duty-based concepts), it might be asserted that robust support can be furnished for this optimistic idea. Furthermore, since justice appears then as some sort of necessity, our moral actions are not anymore only noble, but they have acquired a rational element as well: if a just world is gradually coming nearer, it is a reasonable strategy to act in accord with this projected development. Acting differently from what can be expected to occur in the future is a strategy "against the current", and as such anti-historical.

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<sup>11</sup> For Kant's arguments in favour of the immortality of the soul and the existence of God, see Kant 1788.

If justice is truly based on that what was termed as the “normative will of *humanity*”, it is liberal internationalism that then turns out to be a theory of international justice that appears superior to communitarian schools – no matter whether the preferred community is regarded as the nation, the class, the civilization or the gender. Moreover, realism in international relations is in that case not only suspect from a simple moral perspective, but also as a rational strategy. In fact, its reasonableness might only be observed from a short-term perspective. In historical categories, it might happen to be a strategy without a prospect.

Primljeno: 14. decembar 2009.

Prihvaćeno: 17. februar 2010.

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## BUDUĆNOST MORALA I MEĐUNARODNA PRAVDA

*Apstrakt*

U ovom radu posvetićemo pažnju pitanju pravde, posebno u međunarodnim odnosima. U tom kontekstu, daćemo kratak pregled postojećih teorija međunarodne pravde. Potom ćemo se okrenuti pitanju šta pravda zapravo jeste. Pokazaćemo ubedljivost tvrdnje da je ona zasnovana na ideji slobode. Našu poziciju pokušaćemo da branimo uz pomoć Kantove i Dojlove argumentacije. Zaključićemo da postoje ubedljivi argumenti u prilog tezi da je naš istorijski razvoj obeležen postupnom ekspanzijom slobode i pravde. Povrh toga, imamo snažne razloge da težimo liberalnom internacionalizmu zasnovanom na ideji postepenog približavanja čovečanstva određenom obliku svetske države, a koji može biti najbolji garant pravde u međunarodnim odnosima.

*Ključne reči:* liberalni internacionalizam, komunitarizam, pravda, normativna volja, sloboda, politika, etika, budućnost.