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Order and Justice in International Relations: What is at Stake?

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John Rawls's famous claim that 'Justice is the first virtue of social institutions' has, when applied to international relations, faced the perennial realist rejoinder that international life has never had very much to do with the pursuit of virtue or of justice.¹ As Gilpin puts it, 'Anarchy is the rule; order, justice, and morality are the exceptions'.² This debate has taken different forms at different times but the tension between solutions to the problem of order and solutions to the problem of justice has shaped and structured a very great deal of international thought.³

This chapter addresses three questions:

1. In what sorts of ways has the relationship between order and justice been understood within International Relations?
2. Are traditional strategies of reconciling order and justice adequate?
3. If, as will be argued, they are indeed inadequate, how should we think about international justice and the problem of order in a globalized world?

1. TRADITIONAL UNDERSTANDINGS OF ORDER AND JUSTICE

Many analyses of social order, whether in International Relations (Bull) or social theory (Elster), begin with a beguilingly simple distinction.⁴ On the one

¹ John Rawls, *A Theory of Justice*, rev. edn (Oxford: Oxford University Press, 1999), 3.

² Robert Gilpin, 'The Richness of the Tradition of Political Realism', in Robert O. Keohane (ed.), *Neorealism and Its Critics* (New York: Columbia University Press, 1986), 304.

³ Martti Koskeniemi, 'The Police in the Temple. Order, Justice and the UN: A Dialectical View', *European Journal of International Law*, 6 (1995), 325-48.

⁴ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 2nd edn (Basingstoke: Macmillan, 1985), especially 3-21; Jon Elster, *The Cement of Society: A Study of Social Order* (Cambridge: Cambridge University Press, 1989), 1-16.

hand, social order can be understood in the sense of stable and regular patterns of human behaviour. In this depiction it is contrasted with chaos, instability, or lack of predictability. On the other hand, social order requires the existence of a particular kind of purposive pattern that human agents have infused with meaning, that involves a particular set of goals, objectives, or values, and that leads to a particular outcome. Beguilingly simple because, of course, order as fact and order as value are very hard to disentangle.⁵

If order is to be understood in terms of some purposive pattern, what sorts of purposes, goals, and objectives might be relevant? In 1969, Raymond Aron posed the question of international order in the following manner: 'under what conditions would men [sic] (divided in so many ways) be able not merely to avoid destruction, but to live together relatively well in one planet?'⁶ For Aron, living 'relatively well' was to be viewed in distinctly minimalist terms. Order was understood as 'the minimum conditions of coexistence' that might obtain in the anarchical system of states. He took states to be the principal agents of order, hence making international order and global order for all practical purposes synonymous. And he proposed a definition of order which deliberately sought to avoid any discussion of shared values or the necessary conditions for the promotion of some shared vision of how global society might ideally be organized.

A few years later Hedley Bull defined order as 'A pattern [in the relations of human individuals or groups] that leads to a particular result, an arrangement of social life such that it promotes certain goals or values'.⁷ Although a little more optimistic than Aron, Bull's analysis of these 'certain goals and values' also pointed in a constrained and minimalist direction. As is well known, Bull's study of order in world politics concentrated on the common framework of rules and institutions that had developed within the anarchical society of states and that prescribed patterns of behaviour which sustained the basic goals of

⁵ There are, of course, many other approaches to the study of order in International Relations. Some analysis, for example, focus less on regular and persistent patterns and on the attitudes of agents towards those patterns and more on the political, economic, or social forces and structures responsible for producing the patterns. We understand the behaviour of the parts by uncov-
ering the logic of the whole and the laws that shape that logic. This approach is captured in many usages of the terms 'the global capitalist order' and 'the liberal post-cold war order'. A further very influential approach seeks to make sense of the immense complexity of global society by identifying the underlying micro-mechanisms and logics that permit cooperation to take place and social order to be created. This interest-driven, rationalist approach has been dominant within institutionalist theory. See, for example, Karol Sołtan, Eric M. Uslaner, and Virginia Haufler (eds), *Institutions and Social Order* (Ann Arbor: University of Michigan Press, 1998).

⁶ Raymond Aron, as reported in Stanley Hoffmann, 'Conference Report on The Conditions of World Order', *Daedalus*, 95/2 (1966), 456.

⁷ Bull, *The Anarchical Society*, 3-4. See also Stanley Hoffmann's definition: 'the norms, practices, and processes that ensure the satisfaction of the basic needs of the social group in question'. 'Is there an International Order?', in *Janus and Minerva* (Boulder, CO: Westview, 1987), 85.

international social life. It was a necessarily limited and fragile society whose three primary goals were the preservation of the society of states itself, the maintenance of the independence of individual states, and the regulation—but not elimination—of war and violence amongst states and societies.⁸

On this view, inter-state cooperation and international institutions could never be expected to provide a stable and universal peace but only to mitigate the inevitable conflicts that would arise from the existence of a multiplicity of sovereignties. The correct question with regard to the study of world order was not: how might human beings create forms of international society or schemes of international cooperation that embodied all their aspirations for justice or which universalized some particular conception of the good society?, but rather: how might states and other groups do each other the least possible harm and, in an age of total war and nuclear weapons, survive as a species? So the core goals of international social order were survival and coexistence; and the political framework for the attainment of this pluralist order was the system or society of states—Great Powers, balances of power, diplomacy, deterrence, and so on.

The narrowness of this conception of order undoubtedly reflected the intense ideological and geopolitical conflicts of the cold war. But it also drew upon a deep-rooted tradition in Western thought which had long viewed international society in pluralist or minimalist terms. This minimalism and deep scepticism regarding 'idealist' aspirations does not depend on the view that international life is somehow destined to remain an arena of perpetual conflict; nor does it depend on the argument that there is an absolute and eternal divide between 'domestic order' on the one hand and 'international anarchy' on the other. After all, Morgenthau's political realism was just as much a response to events on the streets of Weimar Germany as it was to the failings of the League of Nations in Geneva. Rather, it reflects a powerful sense of the fragility of all social order, including within the developed and prosperous West. The core intuition is that Hobbesian 'diffidence' or fear is extremely difficult to dislodge, especially in social settings characterized by great inequalities of power, weak institutions, and deep societal differences. Thus, the structure of power and interests, the extent of inequality, the divergences of cultures and value systems, and the rigidities of political language make the resolution of many conflicts difficult, if not impossible. All politics, but especially world politics, is the arena for struggles amongst differing social and political ideals, and the character of competition for power between these rival

views—and the manner in which power is deployed—will remain *a*—but not necessarily *the*—central focus of enquiry.

One reason for this limited conception of order and even more constrained view of justice therefore was a pessimistic view of power politics and of the political difficulties of sustained cooperation. But a second reason was a deep scepticism about claims regarding the existence of consensus and shared values across international and global society. All communities and polities have to find ways of dealing with diversity and value conflict. Conflict is, after all, intrinsic to all morality, and even within a single value system conflicts arise: how different principles are to be related to one another; how shared principles are to be applied to the facts of a particular case. For international society the problem has always run much deeper, and the creation of any kind of universal society of states or any other kind of world society has had to face up to the existence of fundamental differences in religion, social organization, culture, and moral outlook. These difficulties may be based on what Sen calls 'the empirical fact of pervasive human diversity',⁹ or may reflect, as for Isaiah Berlin, a belief in the plurality, contradictoriness, even incommensurability of human goods. But they underscore the degree to which diversity is a basic and common feature of humanity. The clash of moral, national, and religious loyalties is not the result of ignorance or irrationality but rather reflects the plurality of values by which all political arrangements and notions of the good life are to be judged. It has been a persistent illusion of liberals and Marxists that modernization and development will lead to a convergence of social, cultural, and ethical outlooks.

From this perspective, we are condemned to minimalism by the constraints on effective and sustained cooperation and by the ways in which power and values interact. Thus even very broadly shared values and conceptions of justice will tend to reflect or to reinforce the interests of particular states at particular times. This was, of course, central to Carr's brand of realism, as well as to Marxist understandings of the place of moral values in political life. As Morgenthau put it: 'The appeal to moral principles in the international sphere has no universal meaning. It is either so vague as to have no concrete meaning that could provide rational guidance for political action, or it will be nothing but the reflection of the moral perceptions of a particular nation.'¹⁰

For classical realists the answer is a retreat to power and to the analysis of the order and orders produced by competing powers, above all the balance of power. For international society theorists such as Bull, the answer is a double move involving both order as fact and order as value: on the one hand, to

⁸ For a detailed analysis of Bull's view, see Kai Alderson and Andrew Hurrell (eds), *Hadley Bull on International Society* (Basingstoke: Macmillan, 2000), Chs 1–3. For a broad and far-reaching discussion see N. J. Rengger, *International Relations, Political Theory and the Problem of Order* (London: Routledge, 2000).

⁹ Amartya Sen, *Inequality Reexamined* (Oxford: Oxford University Press, 1992), xi.

¹⁰ E. H. Carr, *The Twenty Years' Crisis, 1919–1939*, 2nd edn (London: Macmillan, 1946); Hans Morgenthau, *American Foreign Policy* (New York: Knopf, 1951), 35.

uncover the basic minimal conditions under which it is possible for social order to obtain; and on the other, to trace the degree to which the state system has constituted some kind of minimalist society. But within both ways of thinking it is a logical step to separate questions of order from questions of justice; to suggest that questions of justice can be meaningfully addressed only after some modicum of society exists; and to stress the tensions that will continue to exist between them. As Bull puts it: 'Order in social life is desirable because it is the condition of the realisation of other values ... International order, or order within the society of states, is the condition of justice or equality among states and nations.'¹¹ Or Kissinger: 'If history teaches anything it is that there can be no peace without equilibrium and no justice without restraint.'¹²

Although highly influential, there are serious difficulties with this way of treating order and justice. In the first place, it has always involved many silences and many problems. The value of order is not placed within any general ethical account or framework.¹³ Order as analysed by Bull, Kissinger, or Kennan implies an ethical view and hence a view of justice: to argue that certain goals should be pursued is to suggest that it is right to pursue them and that those who do so act justly. However, these particular goals are not argued for in a clear and consistent manner. Nor are they coherently related to other values. For example, what does justice require when the political or geopolitical constraints aren't quite as tight? How should we resolve disagreements between order and other values? When might the values of this minimalist inter-state order legitimately be overridden in the interests of justice?

Second, the retreat to power as the final arbiter of all politics and the removal of all concern with morality manifestly fails. As Hoffmann pointed out, the meaning of the alleged trumping claims of realism—defending the national interest, even guaranteeing national survival—are necessarily contested and involve a range of normative assumptions, most importantly about the value of the national community whose interest is being defended.¹⁴ More generally

¹¹ Bull, *The Anarchical Society*, 93.

¹² Henry Kissinger, *The White House Years* (London: Weidenfeld and Nicolson, 1979), 55.

¹³ See Ian Harris, 'Order and Justice in "The Anarchical Society"', *International Affairs*, 69 (1993), 725–41. As Koskenniemi puts it: 'The very need for and definition of order are normative statements in their own right: conceptualizing "order" in terms of stability or peace or the "securing of the elementary needs of the relevant group" creates an axiological system with a normative premise.' Koskenniemi, 'The Police in the Temple', 329.

¹⁴ Stanley Hoffmann, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse: Syracuse University Press, 1981). For the classic normative critique of international life as a Hobbesian war of all against all in which morality plays no role, see Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979), Part 1. Unmasking the necessarily normative character of mainstream theory has been a central claim of post-positivist writing. See, for example, Steve Smith, 'Is the Truth Out There? Eight Questions about International Order', in T.V. Paul and John A. Hall (eds.), *International Order and the Future of World Politics* (Cambridge: Cambridge University Press, 1999).

we should remember Weber's telling critique of reducing all politics to 'power politics', a move which reveals 'a most wretched and superficial lack of concern for the meaning of human action, a blasé attitude that knows nothing of the tragedy in which all action, but quite particularly political action, is in truth enmeshed'.¹⁵

Given these well-known difficulties, we need to move quickly from a discussion of order versus justice and instead consider how order and justice are to be related *within* different, and often conflicting, conceptions of world order. If we do this, can we retell the pluralist account giving greater play to the links between order and justice? Where, if anywhere, do values and ethics come in? Or is the Westphalian order, as Philip Allott suggests, truly a morality-free zone?¹⁶ Three kinds of arguments are commonly deployed, albeit in different ways and in varied combinations.

In the first place, some writers appeal to the unavoidable centrality of an ethics of statecraft. Moral politics, on this view, should be closely tied to the practice of statecraft and to Weber's ethic of responsibility that will inevitably dominate the choices of political leaders. On the strong account of this position, there are no overarching global principles of justice that apply to foreign policy. Political morality is the art of successfully navigating very stormy seas and prudence becomes the supreme political virtue. But, even if there are some shared principles of justice, acting upon them in the face of the contingency and perverse consequences that characterize political action will still involve a great deal of prudential judgement, pragmatic adaptation, and painful trade-offs amongst competing goals. In Chapter 6 John Gaddis provides several examples in US foreign policy of precisely this prudentialist approach to order and justice.

Second, many see states, but not necessarily any particular state, and the apparatus of state sovereignty as providing a container for pluralism and a framework for the protection of diversity. What animates this claim is the idea that peoples, nations, and communities have an identity and seek the protective and expressive power of the state to further that identity. If state sovereignty provides the basic institutional framework, it is self-determination—most commonly national but often shading into cultural and religious—that has come ever more to provide the political power and the moral meaning to the idea of

¹⁵ Max Weber, 'The Profession and Vocation of Politics', in Peter Lassman and Ronald Speirs (eds.), *Weber: Political Writings* (Cambridge: Cambridge University Press, 1994), 354–5. Similar problems arise from the institutionalist attempt to draw an excessively clear-cut distinction between a rational logic of consequences and a norm-following logic of appropriateness that has become so influential in political science. How we calculate consequences is often far from obvious and not easily separable from our understanding of legal or moral norms.

¹⁶ Philip Allott, 'The Concept of International Law', in Michael Byers (ed.), *The Role of Law in International Politics: Essays in International Relations and International Law* (Oxford: Oxford University Press, 2000).

living in a world of states and an international society. It shapes all discussion about the identity of the actors and about the character and moral purposes of those actors. In a post-imperial age it is a fundamental feature of the discourse by which claims to political authority and to the control of territory are articulated and justified. To this pluralism is often tied the related argument that justice belongs inside national borders and that it is only identification with a national community that can foster meaningful citizenship and provide a secure basis for both grounding and implementing conceptions of social justice.¹⁷

And third, pluralists emphasize that the limited and fragile institutions of international society do indeed provide a morally significant means of promoting coexistence and of limiting conflict in a world in which consensus around more elaborate forms of cooperation does not exist. The defence of this image has always rested on the requirements of effectiveness and on the limits of actual consensus. The law of the jungle may not be deflected by very much, but, for the pluralist, in the absence of any firm reason for believing in the viability of transforming international society this little will always remain morally highly significant.

Whether one stresses the power-political conflictual side of the argument or the more principled liberal-pluralist side, there are still many powerful voices who would emphasize that order-justice issues are really about the politics of pragmatic case-by-case *modi vivendi* between and amongst political collectivities, with the apparatus of the state system still providing a fundamental framework for the management of power and the mediation of difference. Indeed, it is striking to note that a more or less traditional vision of international society is defended by some of the most important contemporary political theorists, most notably John Rawls.¹⁸ Other examples include Robert Jackson's powerful reworking and extension of the case for normative pluralism and of the rules and institutions of the state system as providing the framework for that pluralism.¹⁹

More importantly for this volume, a pluralist and limited international society is viewed by many major states as the only acceptable framework for understanding order and justice. As we move through earlier waves of what Bull termed 'the revolt against Western dominance', we can note the extent to which those Third World leaders who had so vehemently denounced imperialist international law and society came to appreciate its benefits, as had French, Soviet, and Chinese revolutionary leaders before them.²⁰ Being mostly weak,

¹⁷ See the discussion of the state-centric paradigm in Chapter 5.

¹⁸ John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

¹⁹ Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000).

²⁰ See Hedley Bull and Adam Watson (eds), *The Expansion of International Society* (Oxford: Oxford University Press, 1984).

it made great sense for them to buy into the political advantages that sovereign statehood provided and such—fragile—protection as international legal rules might afford. Moreover, external support and access to the instruments of juridical statehood played major roles in the battle for domestic survival.²¹

As the chapters on India, Russia, China, and the Islamic world—or at least some parts of it—suggest, claims for justice and for just treatment are still overwhelmingly made in terms of respect for non-intervention and state sovereignty; for equal treatment of different cultural and religious traditions within a state-based framework; for equal rights of entry and of participation in the Great Power club; and for some degree of restitution for, or at least understanding of, past injustices inflicted during the imperialist era. We see a persistent and very powerful protest against the ways in which a normatively more ambitious but Western-dominated international society and Western-dominated globalization are both undermining the inherited pluralist order and the protections that it provided. And finally, and in direct consonance with traditionalist understandings, we see frequent claims that the maintenance of political order within conflict-prone societies and regions may often have to trump liberal Western preferences for human rights or self-determination. Whilst such claims are no doubt often self-serving and whilst 'political order' may sound an old-fashioned topic within the lexicon of Western political theory, it is easy to see why it remains a fundamental value in areas where violence and division continue to characterize everyday political life.

2. THE INADEQUACY OF TRADITIONAL UNDERSTANDINGS

As the Introduction to this volume discusses, the end of the Cold War witnessed a dramatic rise in support for the idea that international society could, and should, seek to promote greater justice, as in the broadening agenda of human rights, the apparent determination and capacity to deal with brutality within states, and the proclaimed responsibility of a revitalized international community to come to the aid of victims of aggression. In addition, there were increasingly powerful arguments throughout the 1990s that order itself depended on the satisfaction of justice claims: for example, that peace was bound up with the ending of autocratic, undemocratic, and oppressive regimes, or that greater equity was a central requirement of global sustainability.

Instead of being merely a catch-all phrase to indicate a concern with ethics and morality, a more coherent global justice agenda can be identified, both

²¹ See Christopher Clapham, *Africa and the International System: The Politics of State Survival* (Cambridge: Cambridge University Press, 1996).

within recent practices of world politics and in the explosion of academic writing on international normative theory: the notion that all individuals should receive the treatment that is proper or fitting to them; the idea that international legal rights, duties, and entitlements should be respected and acted upon and that wrongdoing be punished wherever it occurs; and the broader notion that the major international and global social, political, and economic institutions that determine the distribution of benefits and burdens should be organized and, if necessary, restructured in accordance with principles of global social justice.

It is critical to remember that this set of developments came on top of a much broader and more far-reaching increase in the normative ambition of international society that had been gathering pace throughout the twentieth century. The narrow conception of what international society could, or should, aspire to, and the privileged place that it gave to a limited power-political order built around the sovereign state, has long faced an array of powerful critics. But in the course of the twentieth century it was challenged by more far-reaching, maximalist, or solidarist conceptions of order. What states and peoples deem it legitimate to expect from international society, or from the much appealed-to international community, has increased exponentially. Thus a minimally acceptable notion of order is increasingly held to involve the creation of international rules that deeply affect the domestic structures and organization of states, that invest individuals and groups within states with rights and duties, and that seek to embody some notion of a global common good. As we shall see in the next section, this has involved a shift in the normative structure of world politics both towards a more strongly solidarist conception of international society and towards the theory and practice of a model of transnational governance.

But what has driven these changes? Does the expansion of justice claims merely reflect another liberal moment? As the wheel turns and as the power-political, economic, and ideological determinants of world politics appear ever more ineluctable, will these claims simply be left on the margin of world politics? Or have they become more firmly entrenched? The core argument of this section is that a retreat to pluralism is impossible: pluralism both as a way of thinking about justice and as a limited model of state-based international order.

There are five sets of reasons for the expanded normative ambition of international society. In the first place, it reflects material developments and changing understandings of hard pragmatic interest. The goal of minimal order has become less adequate given the range and seriousness of the problems and challenges facing all states and societies. The rising costs of major war; the growth of economic, ecological, and social interdependence; and the degree to which individual societies depend on each other have dramatically increased the demand for international cooperation. It is both an everyday

intuition and the stuff of countless articles and speeches that globalization creates problems that can be solved only by stronger, deeper, and more effective forms of international cooperation.

Second, various more specific implications follow from this rather trite general claim. The management of globalization necessarily involves the creation of deeply intrusive rules and institutions and debate on how different societies are to be organized domestically. This is a structural change. If states are to develop effective policies on economic development, environmental protection, human rights, the resolution of refugee crises, the fight against drugs, or the struggle against terrorism, then they need to engage with a wide range of international and transnational actors and to interact not just with central governments but with a much wider range of domestic political, economic, and social players. If you want to solve problems in a globalized world, you cannot simply persuade or bully governments into signing treaties; you are therefore inevitably drawn into becoming involved with how other people organize their own societies.

In addition, the move towards the coercive enforcement of international norms, involving both the use of force and economic sanctions and conditionalities, makes it very difficult to exclude arguments about legitimacy and hence about justice. As the struggle against terrorism shows, even hegemonic states can find that multilateralism and international law provide an instrumentally valuable means of both legitimizing their own use of force and delegitimizing other forms of political violence. And finally, even if created for pragmatic and instrumental purposes, institutions act as platforms for ongoing normative debate, for the mobilization of concern, and for debating and revising ideas about how international society should be organized. Although often driven by instrumental and functional logics, international institutions can shape, and not merely reflect, communities of interest. Once formed, such communities may then provide the framework for crystallizing consensus on the content of global justice claims. Thus, however much practitioners and social scientists insist on analysing international institutions solely in terms of the provision of international public goods, normative issues cannot be kept out of the picture. Hence, as Ngaire Woods suggests in Chapter 3, it is significant that debates about the effectiveness and efficiency of global financial institutions have had to engage in arguments about accountability, legitimacy, and procedural justice. And finally, we have good reason for believing that international institutions themselves have acted as powerful agents for the diffusion and socialization of norms.

A third factor behind the increased normative ambition of international society reflects changes in the organization of domestic society and in the powerful transnational ideological forces that have shaped those changes. Thus the legitimacy of governments—democratic and authoritarian—has

come to depend on their capacity to meet a vastly increased range of needs, claims, and demands. In part this has involved increased expectations of the role of the state in economic management, something that remains substantially true even in an era of deregulation, privatization, and globalization. In part it reflects changed notions of political legitimacy and broadened understandings of self-determination, of human rights, and of citizenship rights. In addition, although it may be true, as realists tell us, that the international system tames and socializes revolutionary regimes, it is also true that each of the great social revolutions of the modern era has left an indelible mark on the dominant norms of international society.²² Contrary to the impression given by most International Relations texts, international norms do not float wholly free from the domestic and transnational structures within which states are embedded.

Fourth, there has been the steady growth of demands that the norms of international society should express not just pragmatic or material interests but also common moral purposes. In some cases this stems from the drive to universalize that is inherent in most of the world's most developed ethical systems, religious or secular. In others it is tied to the belief that globalization and increased interdependence have given a greater reality to the previously abstract notion of sharing a single world and have helped to foster a cosmopolitan moral consciousness, however embryonic and fragile it may be. And in still others, it comes from the ways in which conceptions of justice shape foreign policy. Given the current distribution of power, it is of great importance that the US frames its foreign policy not in a realist language of hard interest but instead within an ideology of justice, albeit one that reflects its own historical values and traditions. Especially in times of conflict, whether during the Cold War or the struggle against terrorism, it has sought to impose and to act upon a Manichean view of the world derived from its own conceptions of global justice. As John Gaddis points out in Chapter 6, this intertwining of interests and values has united liberal and conservative traditions of US foreign policy.

Fifth, there is the role of power. Change in normative structure is closely bound up with power and the distribution of power, within the state system but also within the global economy and transnational civil society. Power played a major role in many of the great international institutional developments of the twentieth century, most notably the creation of the UN and the Bretton Woods economic institutions in the 1940s. And one of the most important questions of the post-cold war period concerns the extent to which the increased incorporation of liberal economic and political norms into international law and the

practices of international institutions reflects and reinforces a new age of Western hegemony.

There is no question, then, that power matters. And yet it is highly misleading to view normative expansion solely as a process of imposition by powerful states. The nature of power is seldom straightforward and the translation of crude material power into effective political action is complex. This is nowhere more true than when it comes to the creation and institutionalization of new norms. Thus the revolt of the colonial world against Western dominance did involve a surprisingly successful shift in many dominant legal and political norms, for example those relating to conquest and colonialism, non-intervention, self-determination, and racial equality. In addition, even at those moments when hegemonic imposition seems most clear-cut, the reality has turned out to be more complex, as detailed historical work on institution-building in the immediate post-1945 period has shown or as liberal analyses of the particular character of contemporary US hegemony suggest.²³ Most importantly, as the density and complexity of the international legal system increases and as globalization opens up new channels of transnational political action, so the process of norm creation becomes harder for the powerful to control. Thus, apparently weak states have been able to use the institutional platforms and to exploit already established patterns of legal argument to promote new and often far-reaching legal rules and institutions—as with the International Criminal Court. A good deal of the process of normative expansion has been driven by non-state groups and by transnational and trans-governmental coalitions, most conspicuously in the areas of human rights or the environment.²⁴

Taken together, these forces and factors suggest that it is no longer possible to accept Martin Wright's classic distinction between domestic society as that arena within which understandings of the good life might be debated, developed, and potentially, realized, and international relations as condemned to remain for ever an arena of 'mere survival'.²⁵ To take only the most obvious example, 'mere survival' in relation to the protection of the global environment depends fundamentally on how societies are organized domestically and on how their various conceptions of what the good life entails—their 'comprehensive doctrines', in Rawlsian terms—can be brought together and reconciled. Material and moral circumstances have therefore pushed international

²³ G. John Ikenberry, *After Victory: Institutions, Strategic Restraint and the Rebuilding of Order after Major Wars* (Princeton: Princeton University Press, 2001).

²⁴ See, for example, Thomas Risse, Stephen C. Ropp, and Kathryn Silkink (eds), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

²⁵ Martin Wright, 'Why Is There No International Theory?', in Martin Wright and Herbert Butterfield (eds), *Diplomatic Investigations* (London: Allen and Unwin, 1966).

²² This interaction is explored in David Armstrong, *Revolutions and World Order* (Oxford: Oxford University Press, 1993).

society inevitably beyond Nardin's practical association—'an association of independent and diverse political communities, each devoted to its own ends and its own conception of the good'.²⁶ They also decisively undercut the strong pluralism of Rawls. What possible sense can one make of Rawls's concentration on bounded political communities whose basic structure is defined in terms of 'self-sufficient schemes of cooperation for all the essential purposes of human life'?²⁷

3. IF WE CANNOT RETREAT TO PLURALISM, WHERE CAN WE GO?

For many people it is impossible to deduce general principles of global justice that could be applied to the whole world because of the absence or weakness of an international community or society within which they could be situated and to which they could be applied. What is the international or global community that can legitimately define and promote applicable principles of global justice? Here we need to consider whether the same forces and factors that have blocked the retreat to pluralism may also provide a basis for a meaningful dialogue on conceptions of global justice or even a framework for the successful promotion of global justice.

In this section I suggest that the normative structure of international society has evolved in ways which help to undercut the arguments of those who take a restrictionist position towards global justice. There is now a denser and more integrated network of shared institutions and practices within which social expectations of global justice and injustice have become more securely established. But, at the same time, our major international social institutions continue to constitute a deformed political order, above all because of the extreme disparities of power that exist within both international and world society. This combination of density and deformity shapes how we should think about the relationship between order and justice.

Those who seek to refute the restrictionist or rejectionist view of global justice and of the scope of duties beyond borders consider the broad range of changes that have occurred within each of the three arenas of social order: civil society, the state, and the market economy. Those changes are most commonly gathered together under the heading of 'globalization'. For all the problems of definition, globalization involves the dramatic increase in the density and depth

²⁶ Terry Nardin, *Law, Morality and the Relations of States* (Princeton: Princeton University Press, 1983), 9.

²⁷ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 301; emphasis added.

of economic, ecological, and societal interdependence, with 'density' referring to the increased number, range, and scope of cross-border transactions, and 'depth' to the degree to which that interdependence affects, and is affected by, the ways in which societies are organized domestically.

Let us look first at economic globalization. The increasing integration of markets—not just cross-border transactions but also integrated transnational production structures—seems intuitively to have important normative implications and to buttress claims for moral cosmopolitanism. For moral cosmopolitanism, globalization has eroded the boundedness of political communities whose particular cultures, traditions, and ways of living are given so much weight by communitarians. It has also given a new reality to the sense of sharing a single world and to the nature of plurality, connection, and finitude.²⁸ The circumstances of justice and the nature of social cooperation have been altered so fundamentally that we are entitled, indeed compelled, to transpose many of our understandings of social justice that apply within the state on to the international or transnational level.²⁹

But there are real problems with such arguments. In part these have to do with empirical work showing the limits of economic globalization and the extent to which it is neither self-evidently new nor any more far-reaching than in the past. More importantly still, we are faced with the old difficulty of relating empirical accounts of an increasingly unified world to normative accounts of the emergence of a world community.³⁰ However dense and intense economic exchange may be, it does not translate easily or automatically into a shared awareness of a common identity, a shared community, or a common ethos. This is especially true given the massive inequalities within contemporary global capitalism. There is also a real danger of tying notions of moral community too closely to networks of economic interaction when so many of the world's most vulnerable people are precisely those who are excluded or marginalized from integration processes that are misleadingly described as 'global'. Much of the rhetoric of an economically globalizing and unifying world, then, fails to distinguish between three senses of the idea of unity: as interdependence and interconnection; as uniformity in the character of the states and societies that make up the global system; and as consciousness of a shared humanity or commitment to some shared set of purposes.

What of transnational civil society? This term refers to those self-organized intermediary groups that are relatively independent of both public authorities

²⁸ Onora O'Neill, *Towards Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 1996), Ch. 4.

²⁹ See, for example, Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989).

³⁰ Chris Brown, 'International Political Theory and the Idea of World Community', in Ken Booth and Steve Smith (eds), *International Relations Theory Today* (Cambridge: Polity Press, 1995).

and private economic actors, that are capable of taking collective action in pursuit of their interests or values, and that act across state borders. The roles of such groups within international society have increased very significantly: first, in the formal process of norm creation, standard-setting, and norm development; second, in the broader social process by which new norms emerge and find their way on to the international agenda; third, in the detailed functioning of many international institutions and in the processes of implementation and compliance; and finally in direct participation in many governance activities—disbursing an increasing proportion of official aid, engaging in large-scale humanitarian relief, leading efforts at promoting democracy or post-conflict social and political reconstruction. In all of these areas the analytical focus has been on transnational networks—for example, knowledge-based networks of economists, lawyers, or scientists—or transnational advocacy networks which act as channels for flows of money and material resources but, more critically, of information, ideas, and values.³¹

Transnational advocacy groups, social movements, and transnational networks have undoubtedly played very important roles in the changing politics of global justice and in processes of norm development and institutionalization. Beyond this, very important claims have been made about the normative potentiality of global civil society as an arena of politics that is able to transcend the inside-outside character of traditional politics and to fashion and provide space for new forms of political community, solidarity, and identity.³² Sometimes the emphasis is on global civil society as a relatively autonomous self-organized public sphere in which genuine deliberation among competing positions can take place and through which some notion of international public reason can be developed. In other cases, global civil society and its linked network of 'domestic' civil societies feed positively into state-based order through the provision of legitimacy and consent and into market-based order as the repository of the trust and other forms of social capital without which markets will not function. But on both views global civil society represents a pluralist and open arena for the negotiation of rules and norms based on genuine and unforced consent. It serves as a regulative ideal but one whose potential can be gauged from the changing real practices of world politics.

But, as with markets, there are very real problems and limits and a need to counter a certain romanticization of the potentialities of transnational civil society—although not, as is the current danger, to go too far in the other

³¹ See Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

³² See, for example, Richard Falk, *On Humane Governance: Toward a New Global Politics* (Cambridge: Polity, 1995), and *Predatory Globalization: A Critique* (Cambridge: Polity Press, 1999); and Mary Kaldor, 'Transnational Civil Society', in Timothy Dunne and Nicholas Wheeler (eds), *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 1999).

direction. Civil society is, after all, an arena of politics like any other in which the good and thoroughly awful coexist, in which the pervasive claims made by social movements and NGOs to authenticity and representativeness need to be tested and challenged, and in which outcomes may be just as subject to direct manipulation by powerful actors as in the world of inter-state politics. Whilst state action may be shaped by global civil society, it is often state action that is crucial in fostering the emergence of civil society in the first place and in providing the institutional framework that enables it to flourish. And, very critically, state power is increasingly determined by the ability of governments to work successfully within civil society and to exploit transnational and transgovernmental coalitions for their own purposes. There is always a danger of global civil society becoming an arena of politics which states and other economic and social organizations seek to dominate and exploit precisely in order to legitimize their own claims to power.

What, finally, of the changing character of international society itself? Here I think that we are entitled to argue that the normative structure of international society has evolved in ways which help to undercut the arguments of those who deny the existence of a global justice community or who take a restrictionist or strongly pluralist position towards global justice. Morgenthau's claim that 'the appeal to moral principles in the international sphere has no universal meaning' is simply wrong: perhaps its meaning is not universal but it is certainly widely diffused across the global system. There is now a denser and more integrated network of shared institutions and practices within which social expectations of global justice and injustice have become more securely established.

The normative structure of international society has moved significantly in the direction of greater solidarism. Four dimensions of change are especially important. The first has to do with the *content* of norms. In contrast to mere coexistence, the norms of this more solidarist law involve more extensive schemes of cooperation or safeguarding peace and security—for example, prohibiting aggression or broadening understandings of what constitutes threats to peace and security; to solve common problems such as tackling environmental challenges or managing the global economy in the interests of greater stability or equity; and to sustain common values such as the promotion of self-determination, human rights, or political democracy. The second dimension concerns the *source* of these norms. In a traditional pluralist conception, the dominant norms are created by states and depend directly on the consent of states. In a solidarist conception, the process of norm creation is opened to a wider range of actors, both states and non-state groups; and there is an easing of the degree to which states can be bound only by rules to which they have given their explicit consent—a move from consent to consensus.

The third dimension has to do with the *justification and evaluation* of norms. Alongside the old idea that actors create and uphold law because

it provides them with functional benefits, the post-1945 period has seen the emergence of a range of internationally agreed core principles—respect for fundamental human rights, prohibition of aggression, self-determination—which may underpin some notion of a world common good and some broader basis for evaluating specific rules.³³ This may be viewed in terms of the sur-repitious return of natural law ideas or of a philosophically anchorless but nevertheless reasonably solid pragmatic consensus—but note Berlin's remark that the return of the ancient notion of natural law in the twentieth century was driven not by *faith in* but rather *fear of* mankind.³⁴ And the fourth dimension has to do with moves towards the more effective *implementation* of these norms and the variety of attempts to move beyond the traditionally very 'soft' compliance mechanisms and to give more effective teeth to the norms of this more ambitious society.³⁵

This model of a solidarist society of states captures a great deal of the aspirational progressivism of international lawyers and of Western liberal opinion. But its attraction is by no means limited to Western states; and it can be seen in the constant appeals to the existence of an 'international community' capable of fulfilling a broader range of political and moral purposes. As this increasingly solidarist legal order has developed, so a crucial ambiguity begins to open up around the idea of states as the principal agents of world order. Within the pluralist world, states could be understood as 'agents' simply in the sense of those acting or exerting power and of doing so for themselves: 'The law of nations is the law of sovereigns', as Vattel famously put it.³⁶ But the expanding normative agenda of solidarism has opened up a second and different meaning of agency: the idea of an agent as someone who acts for, or on behalf of, another. Within the solidarist order states are no longer to act for themselves as sovereigns but rather, first, as agents for the individuals, groups, and national communities that they are supposed to represent—hence the move towards sovereignty as responsibility—and, second, as agents or interpreters of some notion of an international public good and some set of core norms against which state behaviour should be judged and evaluated.

Change has not only involved inter-state institutions but has also seen the emergence of transnational governance structures. One argument here points simply to the increasingly active role of firms and NGOs in the process of

³³ See the discussion of the United Nations in Chapter 2.

³⁴ Quoted in Michael Ignatieff, *Isaiah Berlin: A Life* (London: Chatto and Windus, 1998), 250.

³⁵ One might add that it is the increased density of solidarist institutions, together with ongoing powerful processes of globalization which have fed into the upsurge of debates about cosmopolitan democracy. See, for example, Daniele Archibugi, David Held, and Martin Kohler (eds), *Re-imagining Political Community: Studies in Cosmopolitan Democracy* (Cambridge: Polity, 1998); and the discussion of the post-national paradigm in Chapter 5.

³⁶ Emerich de Vattel, *The Law of Nations*, trans. Joseph Chitty (London: Steven and Sons, 1834), xvi.

norm creation, whether as lobbyists within individual states or as participants directly within international regimes and institutions. A second argument concentrates on the role of non-state actors as the generators of norms that are then taken up and assimilated into international legal structures. The third, and most radical, position highlights the emergence of private authority structures that exist largely independently of the framework of both municipal and international law: private systems of arbitration and dispute settlement, privatized rule production resulting from technical standardization, internal regulations within transnational firms, and private regimes governing particular sectors of the global economy.

It is, then, far from obvious that international institutions cannot move different states and societies towards 'shared understandings of the meaning of social goods', to use Michael Walzer's phrase.³⁷ Shared and institutionally-embedded understandings as to what constitutes justice and injustice are no longer confined within national communities. There has been created a shared international political culture within and around shared institutions, albeit fragile and often fractured. In examining the changing structure of international society we surely are dealing with 'an identifiable set of institutions whose impact on the life chances of different individuals can be traced'³⁸ or, in Rawls's terms, with political, social, and economic arrangements that 'define men's rights and duties and influence their life prospects, what they can expect to be and how well they can hope to do'.³⁹

The density of international and world society has undoubtedly increased along both solidarist and transnational dimensions, reflecting changes that are unlikely to be easily reversed. And yet the elements of *deformity* are equally evident. We are not dealing with a 'now vanished Westphalian world', in Allen Buchanan's words, but rather with a world in which solidarist and cosmopolitan models of governance coexist, usually rather unhappily, with many aspects of the old Westphalian order.⁴⁰

In the first place, there is deformity in terms of the distribution of advantages and disadvantages: in the way, for example, security is defined and the choices taken by institutions and states as to whose security is to be protected; or, very obviously, in the massive inequalities of the global economic order; or in the past and present consumption of ecological capital. Second, there is deformity in terms of who sets the rules of international society. Institutions are not, as some liberals would have us believe, neutral arenas for the solution of common problems but rather sites of power, even of dominance. The vast majority of

³⁷ Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983).

³⁸ David Miller, *Principles of Social Justice* (Cambridge: Harvard University Press, 1999), 5.

³⁹ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 7.

⁴⁰ Allen Buchanan, 'Rawls's Law of Peoples: Rules for a Vanished Westphalian World', *Ethics*, 110 (2001), 697–721.

weaker actors are increasingly 'rule takers' over a whole range of issues that affect all aspects of social, economic, and political life. Third, there is deformity in terms of the very different capacity of states and societies to adapt to the demands of a global economy, combined with the extent to which the economic choices of developing countries are, if not dictated, then certainly shaped by the institutions dominated by the strong and often backed by coercion in the form of an expanding range of conditionalities. And finally, deformity is evident in the limited capacity of international law and institutions to constrain effectively the unilateral and often illegal acts of the strong. In this sense we are not moving beyond sovereignty but rather returning to an earlier world of differentiated and more conditional sovereignties.

These characteristics do much to explain whose claims to justice are heard and picked up. Indeed, it is very striking that, for many Western states after the Cold War, 'justice' was taken uncontroversially to mean human rights, defence against murderous dictators, and democracy and political self-determination. It is also noteworthy that many of those who celebrated the values of a global liberal order proclaimed the virtues of democracy within states but steadfastly ignored calls for the democratization of decision-making within international institutions. Still more telling has been the deafening silence regarding either social and economic rights or global distributive justice. In 1998, for example, some 588,000 deaths were due to war; 736,000 were due to homicide and social violence; but starvation and preventable disease claimed around 18 million lives. Since the end of the Cold War 200 million deaths have been due to poverty-related causes.⁴¹

But how does deformity play into the discussion and analysis of order and justice? In the first place, it seriously complicates the search for shared principles of justice and for convincing ways of grounding those principles. For some, it is precisely human reason and its universality that provide both the foundation of moral argument and the best hope that it can be acted upon globally. The normative theorist begins with his or her best considered judgement based on reasons that are suitably coherent and generalizable. Whatever people may actually believe, he or she seeks to find good reasons why they should alter their beliefs and their patterns of behaviour. Showing that certain values are widely accepted in social practices is not the same as providing valid arguments as to why they are justified.

But even many of those who wish to start with their own 'best considered judgements' as to what justice requires and who seek to build theories of justice around universal principles that would be chosen by any rational individual do not end the story there. Thus, for example, Rawls insists that the

theorist's considered judgement be related to the values that are available within the political or moral culture of a given society—the idea of a so-called reflective equilibrium—and that valid principles of justice must be publicly justifiable. And yet there are very serious difficulties. What do we mean by reason? Whose reason?⁴² What precisely are the values and moral culture of this international society against which we seek to justify particular claims, especially when the international and transnational public spheres available are characterized not just by density but also by serious deformity? What meaning can be attached to even the purest and most serene universalist voice—whether of the Kantian liberal or of the religious believer—calling from the mountain if those to whom it is addressed do not believe themselves to be part of even the thinnest and most fragile shared community?

For others, normative theory should begin with the norms and values that exist within particular communities. Theory should uncover, interpret, and critically develop understandings of morality that exist within specific international historical and cultural contexts. On this view, as Miller puts it, 'There are no universal principles of justice. Instead, we must see justice as the creation of a particular political community at a particular time, and the account we give must be given from within such a community'.⁴³ As suggested above, the density of transnational and international normative structures has developed to the point where such an approach can indeed provide a viable and valuable basis for thinking about international and global justice. But, again, there are difficulties. Why should any consensus that emerges from so self-evidently unequal and fractured a global society be taken as the legitimate basis for normative deliberation and argument? Perhaps we can indeed point to the increasingly solidarist character of international law, as, for example, in the shifting and more permissive attitudes towards humanitarian intervention. But we also know that, despite the doctrinal emphasis placed by international law upon state consent, there is a great deal of coercion, coercive socialization, and crude imposition that lies behind the emergence of a new norm or support for a particular UN Security Council (UNSC) resolution.

So from whichever point one starts, the search for shared principles of justice will need to inquire into the social and political conditions that make for a meaningful global moral community and the degree to which they correspond to what actually exists or is likely to exist. At a general level these might include: some acceptance of equality of status, of respect, and of consideration; some commitment to reciprocity and to the public justification of one's

⁴¹ See Thomas W. Pogge, 'Priorities of Global Justice', in Thomas W. Pogge (ed.), *Global*

Justice (Oxford: Blackwells, 2001), 6–23.

⁴² Alasdair MacIntyre, *Whose Justice? Whose Rationality?* (London: Duckworth, 1985). For MacIntyre, '... the legacy of the Enlightenment has been the problem of an ideal of rational justification which it has proved impossible to attain' (p. 6).

⁴³ David Miller, 'Introduction', in David Miller and Michael Walzer (eds), *Pluralism, Justice, and Equality* (Oxford: Oxford University Press, 1995), 2.

actions; some capacity for autonomous decision-making on the basis of reasonable information; a degree of uncoerced willingness to participate; a situation in which the most disadvantaged perceive themselves as having some stake in the system; and some institutional processes by which the weak and disadvantaged are able to make their voices heard and to express claims to unjust treatment.⁴⁴

The degree to which unequal power and deep value conflict continue to undermine these conditions has implications for how we might think about global justice.⁴⁵ First, it seems highly unlikely that any single ideology or world view will provide an overarching framework or meta-narrative for values and ethics in the twenty-first century—global liberalism, for instance. Instead debate, deliberation, and contestation over issues of justice will take place in a wide variety of spheres and domains involving a wide variety of actors: states, NGOs, firms, international organizations. Second, the participants will continue to come from a wide variety of cultural, religious, and linguistic backgrounds. One does not have to believe in clashing civilizations or incommensurability to believe that human diversity and value conflict remain important and that perspectives on issues of international order and justice vary enormously from one part of the world to another. This may be because of 'cultural differences' in the strong sense; but, as several of the chapters in this volume illustrate very powerfully, it is more often the result of differences in national and regional histories, in social and economic circumstances and conditions, and in political contexts and trajectories. But, whichever is the case, the premium is on understanding those different world views and appreciating the difficulties of communication. Cultural and historical complexity also make it difficult to read off judgements in particular cases from general or universal moral laws: a great deal of the debate over values and ethics in the twenty-first century will necessarily have to be context-rich and interpretative.

Finally, and most importantly, it remains vital to distinguish between justice and fairness in relation to process and procedure, and justice and fairness in matters of substance. Fair process matters more than substantive consensus: or, rather, it is the most plausible route to reaching substantive agreement given the depth and pervasiveness of value conflict and, even more, given the ease with which international law and institutions are contaminated by the special interests and particular values of the powerful. The most viable form of global moral community will continue to be one that is built around some minimal notion of just process. Why? First, because of the framework of shared meanings and the shared moral culture that have actually been developed in and

⁴⁴ See Chapter 4 on the trade system for a discussion of how substantive inequality impacts negatively on fair process and procedure.

⁴⁵ I owe many of the ideas in this paragraph to Laurence Whitehead's comments at the Nuffield Place authors' workshop and to many conversations on these matters.

around international society; second, and more foundationally, because of the universality of ideas about fairness of process: hearing the other side, providing arguments for one's actions, finding some mechanism for adjudicating between conflicting moral claims. This view of global justice sees reason and rationality not as abstract and universal but rather as developing 'naturally from necessities of social life, that is from the inevitably recurrent conflicts which must be resolved if communities are to survive'.⁴⁶ Global justice is not something that can be deduced from rational principles, nor can it be reflective of a single world view, religious or secular; it is, rather, a negotiated product of dialogue and deliberation and therefore always subject to revision and re-evaluation.

But deformity is not just a problem in the search for shared principles of justice and for a persuasive way of grounding such principles. It also feeds directly back to the question of order and thus to the traditional arguments with which this chapter began. There are clearly many ways in which order and justice can be brought together productively in international life: in the well-established links between democracy and peace; in the degree to which 'order-based' institutions can serve as a focus of shared values and the framework for the promotion of those values—as suggested in Chapter 5; and in the extent to which any stable order—domestic, regional, or international—requires legitimate authority. An order that is based on crude coercion or the simple exercise of hegemonic power is unlikely to endure. It will be excessively costly for the hegemon; inefficient and ineffective as a means of dealing with the complex problems associated with globalization; and likely to generate the very oppositional behaviour that realists tell us is the eternal characteristic of international politics.

And yet problems remain, above all because of the degree to which the elements of deformity, however normatively distasteful, are still crucial to the structures of political order that obtain in international life. The continuing tensions between order and justice derive from the instability of legitimate authority in international life; from the extent to which even elaborate institutions rest on an underlying distribution of power, whether balanced or hierarchical; and from the degree to which nation-states still see the necessities of conflict and insecurity as justification for pursuing their own conceptions of order and justice.

At the global or systemic level a great deal follows from what Cassese calls 'the end of a magnificent illusion',⁴⁷ namely, that the UN Charter system could provide an effective answer to the use of aggressive force and an effective instrument for the management of other conflicts. Equally illusory is the idea that this failure was somehow due to the Cold War and that the end of the

⁴⁶ Stuart Hampshire, *Justice is Conflict* (London: Duckworth, 1999), 25.

⁴⁷ Antonio Cassese, *Violence and Law in the Modern Age* (Cambridge: Polity Press, 1988), 33.

Cold War would open up a new age of international security cooperation. Of course the *collective element* in security management has expanded very significantly, as in the role of regional alliances or coalitions, international peace-keeping forces, and UN authorizations of the use of force. It is certainly the case, as Adam Roberts points out in Chapter 2, that this increased collective action has involved important shifts in understanding how order and justice are related. And yet we cannot ignore the irrelevance of the UN to many conflicts, the continued centrality of the balance of power in many regions of the world, and the many cases of domestic or regional instability where such peace as exists seems to depend 'not so much on the authority of a central power, or the law or a sense of community, but rather on an unstable balance of power amongst groups prepared to use force'.⁴⁸

And where the international community has acted in pursuit of shared goals and values in the post-cold war period, this action has depended to an uncomfortable extent on the political interests of the US and its allies and on the military capabilities that they have been willing to deploy. The classic realist doubt reappears: not simply that international law and institutions are unable to constrain effectively the unilateral tendencies of the most powerful, but rather, and far more profoundly, that international political order itself may require action by the hegemon or by major powers that can never be wholly regulated and controlled from within the legal order. This is true of action at the 'order' end of the spectrum, for example, in the struggle against terrorism or weapons of mass destruction. But it is just as true of actions at the 'justice' end, designed to promote and enforce shared conceptions of justice, as in the effective exercise of humanitarian intervention even in cases where full legal authorization may not be obtainable.

A further way in which the deformity of global politics relates to order concerns the link between the distribution of political and economic power and the functioning of even elaborate institutions. In some cases, the successful development of effective institutions reflects the existence of some broad underlying balance of power, as within the EU or the WTO. In other cases it is unequal power or hierarchy that plays the crucial role. Although realism has long given pride of place to balances of power, hierarchy and inequality have played an equally important role. They were central to the old pluralist order: Great Powers could promote order both by managing relations between themselves—through diplomacy, conferences, missions, joint interventions—but also by exploiting their own unequal power over subordinate states within their spheres of influence, alliance systems, and, most importantly, imperial systems. This conception of order remained extraordinarily powerful and influential throughout the

⁴⁸ Pierre Hassner, 'Force and Politics Today', in Pierre Hassner, *Violence and Peace: From the Atomic Bomb to Ethnic Cleansing* (Budapest: CEU Press, 1997), 38.

twentieth century and continues to be. Thus, for example, the Cold War 'order' and the long peace of 1945–89 were constructed in very traditional fashion around attempts to regulate the balance of power between the superpowers—through arms control agreements, summits, and mechanisms of crisis management—and through the exploitation of hierarchy—through the mutual, if tacit, recognition of spheres of influence and the creation of an oligarchical non-proliferation system designed to limit access to the nuclear club.⁴⁹

Moreover, even as the idea of sovereign equality gained ground and as international institutions expanded so dramatically in both number and scope, hierarchy and inequality have remained central. Sometimes the 'ordering' role of hierarchy is formalized, as in the special rights and duties of the permanent members of the UNSC or the weighted voting structures of the IMF or World Bank. More often it can be seen in powerful political norms, as in the practice of ad hoc groupings and contact groups to deal with particular security crises; or the role of the Group of Seven in attempts to manage not just global economic issues but a great deal more besides; or the way in which international financial management is dominated by closed groups of the powerful, as in the Bank for International Settlements or the Financial Stability Forum.

This pattern reflects the need for concentrations of power. The fundamental problem with models of dispersed sovereignty is that, whilst they correctly acknowledge the dangers of centralized power, they fail to perceive the necessity of such power for social order and the promotion of common moral purposes. This is most obviously true in the field of international security. But it also applies to economic order and, by extension, to economic justice. Think, for example, of the need for effective states with sufficient legitimate power and authority to tax transnational corporations or to enforce equitable burden-sharing in the management of financial crises. Equally, however normatively attractive, models of cosmopolitan democracy at the level of international institutions and of deliberative democracy within civil society have as yet failed to explain how they will deal with the management of unequal power and the need to secure effective power for democratically agreed purposes. At the global level and within many regions, the question of political order remains unsolved and unresolved.

4. CONCLUSION

The argument has unfolded in four stages. First, I suggested that the conditions of global social justice have been irrevocably changed as a result of a

⁴⁹ See John Gaddis, *The Long Peace* (Oxford: Oxford University Press, 1987).

wide range of social, political, economic, and technological forces. These conditions undermine earlier efforts to distinguish order from justice and to base international order on a limited pluralist state-based arrangement. They also make the promotion of a much broader range of goals and values both morally compelling and materially necessary. Second, I argued that the normative structure of international society has evolved in ways which help to undercut the arguments of those who take a restrictionist position towards global justice. There is now a denser and more integrated network of shared institutions and practices within which social expectations of global justice and injustice have become more securely established. But, third, our major international social institutions continue to constitute a deformed political order, above all because of the extreme disparities of power that exist within both international and world society and the consequent degree to which this privileges the imposition of particular understandings of what constitutes global justice.

Finally, I have argued that this combination of density and deformity seriously complicates the search for shared principles, for convincing ways of grounding those principles, and for bringing order and justice together. The global political order remains heavily structured around inherited pluralist mechanisms that are, by any standards, deficient and deformed, certainly when measured by the values to which international society aspires but very often even by the more minimalist goals and values of the earlier period. In this sense we have not escaped from the tensions between order and justice, nor are we likely to do so any time soon.

Order/Justice Issues at the United Nations

ADAM ROBERTS

Since its foundation in 1945, the United Nations has recognized that peace is a matter not just of order but of justice. Already enshrined in the Charter, this recognition has been reflected in numerous declarations and activities of UN organs and agencies. The fact that the UN and its members have been committed to both order and justice has had positive aspects, and has been a key element in the UN's survival over more than half a century. The organization's concern, not just with the maintenance of order between existing states but with a wide range of justice-related issues, helps to explain its modest but nonetheless unprecedented degree of success. It contributed to the process of decolonization. It has helped to secure the interest of peoples and governments in the organization. It has resulted in some remarkable developments in the rhetoric, practices, and decisions of UN bodies.

The contrast with the League of Nations (1920–46) is striking. Although the League did have a limited involvement in certain justice-related issues, for example in the fields of labour rights and prohibition of slavery, it was associated, to a dangerous extent, with the territorial status quo of 1919. It could do little to answer the criticism that the peace was unjust, and it was powerless to respond to criminal conduct by states within their borders. For these as well as numerous other reasons, it could never command anything like the UN's near-universal membership and widespread popular support. The League's failure to be associated with justice, as well as its incapacity to maintain order, helps to explain its decline into insignificance during the 1930s.

As will be seen, principles of order and justice can often conflict with each other. Yet they do not always do so. Practically all concepts of international order are based, implicitly or explicitly, on some idea of justice. Similarly, all ideas of international justice encompass the idea that it is only through progress in righting wrongs—ending colonialism, reducing inequality, upholding human rights and democracy—that a secure and lasting peace can be obtained. Moreover, it is wrong to view justice issues as necessarily challenging the sovereignty of states. Most states, for most of the time, have worked on the assumption that

