SPS Seminar 2\textsuperscript{nd} term 2013-2014

\textbf{International Normative Theory}

Mondays 11:00 – 13:00
Seminar Room 3, Badia Fiesolana
Please register with: Monika.Rzemieniecka@EUI.eu

\textbf{Course Outline}

This course equips students with the knowledge and skills to analyse the role of norms and ethics in international affairs. Topics include: the nature of ethical reasoning and the role of norms in international relations; state sovereignty, national self-determination, and secession; just war (including jus ad bellum, jus in bello, and jus post bellum); pluralism and cosmopolitanism; transnational environmental responsibility; and the possibility of reform of the international system.

\textbf{Content and Structure}

This course operates at two levels. The first, more descriptive level, seeks to understand what role norms and ethics have played in contemporary international relations. As one quickly discovers, however, the answer to this question is influenced by one’s view on the persuasiveness of different theoretical accounts of international relations (e.g. realist, constructivist, etc.) The second level is overtly normative, and seeks to determine which of the developments in the international system during recent decades are to be welcomed, and which are to be resisted. International normative theory attempts to systematize what is at stake among any genuine alternatives and, if possible, to find reasonable grounds upon which to judge those alternatives. This course attempts to sketch out the current state of debate on the central issues about what is right and just in the international arena - while recognizing that contemporary arguments form part of ongoing controversies of considerable duration.

The primary focus of the course will be on the assessment of normative judgments: which conclusions are supported by the greatest weight of reasons? Which institutions or policies are most fully justified? This task also involves making empirical judgments about the international system - for two main reasons. First, arguments for normative judgments about international affairs invariably rest on assumptions about what is “normal” and “what is possible”, which are empirical premises. Second, a comprehensive defense of any norm or normative position involves some case being made that in practice it will be neither utopian nor counter-productive. Consequently, while the primary goal in this course is the construction and assessment of normative positions, these positions will be as fully embedded as possible in the best available analysis of the dynamics of international politics. In short: what is right and just in \textit{this} world?
Organization of Teaching
Attendance at seminars is compulsory for those who register for this course. **EVERY** member of the seminar is liable to be called upon to discuss **ANY of the core reading** in any week, as active participation in the discussion is vital to the success of the course. Other members of the EUI may be welcome to attend but should consult the course provider in advance of the first meeting of the class. All students registering for the course will be expected to produce **at least two** papers (of roughly 2000 words) that answer one of the discussion questions for each week. Students are asked to circulate these discussion papers 24 hours in advance of the seminar, and to present the papers for 10-12 minutes during the seminar.

If you want to write a term paper for this seminar/workshop, please send a copy by email to the seminar's professor as well as to the organizing administrative assistant. Once the paper is approved, she will update your credit award in your academic records. The deadline for submission is: 30 May 2014.

Background Reading

*Works on normative theory in IR:*

Molly Cochran  *Normative Theory in International Relations: A Pragmatic Approach* (1999)
Mervyn Frost  *Ethics in International Relations: A Constitutive Theory* (1996)

*Introductory work on political theory:*

Will Kymlicka  *Contemporary Political Philosophy* (2002)

*Introductory work on ethics:*

Hare, R.M.  *Moral Thinking* (1981)
Rachels, J.  *The Elements of Moral Philosophy* (latest edition)
Williams, B.  *Ethics and the Limits of Philosophy* (1985)

**Part A: Normative Explanation and Foundational Norms**
1st Week The Possibility of Ethics and the Role of Norms

This week we examine two issues. They are both concerned with whether ethical norms can and do exist in international politics. The first issue is the empirical one of whether norms serve as “causes” with empirical consequences. If norms sometimes affect what happens, some developments in history should be fully explicable only by reference to norms. Is this true? Tannenwald, for example, argues that it is true of the non-use of nuclear weapons since 1945.

Second, we examine how those engaging in normative international relations theory have responded to the charge that the nature of the international system is such that calling for states and other actors to act on ethical norms is utopian. It asks: is international ethics possible?

**Question a:** Are norms just ‘window dressing’, or do they have an autonomous effect in international relations?

**Question b:** What insights, if any, do realist thinkers have on the possibility of applying moral principles to international politics?

**Core Reading on (a)**


Nina Tannenwald *The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons Since 1945* (2007) [available online at SOLO]

F.V. Kratochwil ‘How Do Norms Matter?’ in *The Role of Law in International Politics: Essays in International Relations and International Law* (2000), ed. by Byers, pp. 35-68. [available online at SOLO]


**Core Reading on (b)**

Charles Beitz *Political Theory and International Relations* (1979/1999), part I. 


**Further Reading on (a)**


Neta C. Crawford *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention* (2002) [available online at SOLO]


Alexander Wendt  *Social Theory of International Politics* (1999), pp. 246-312.

**Further Reading on (b)**


Raymond Geuss  *Philosophy and Real Politics* (2008)

Thomas Hobbes  *Leviathan*, chapter XIII (on state of nature)


Kenneth Waltz  *Theory of International Politics* (1979)

Bernard Williams  ‘Realism and Moralism in Political Theory’ in *In the Beginning was the Deed: Realism and Moralism in Political Argument*, (2005) selected, edited, and with an introduction by Geoffrey Hawthorn, pp.1-17.

**2nd Week  Membership in International Society: Sovereignty as a Foundational Norm**

One of the core tasks in international normative theory is to examine and evaluate the rationale for granting sovereign states a particular status in international society. Yet, sovereignty, self-determination, and legitimacy form a complex web which at times appears incoherent. Is a sovereign state the best or only mechanism to protect the self-determination of a people? Is a state's sovereignty conditional upon its capacity to fulfill the self-determination of its people, and to deliver domestic justice? What are the criteria for the kind of community that is entitled to either self-determination or a sovereign state (and possibly secession)? More fundamentally, what are the features of one's relations with compatriots that are lacking in one’s relations with the remainder of humanity that justify granting some priority to compatriots? How much priority?

**Question a:** Should statehood for a political community be conditional on the capacity to deliver justice?

**Question b:** What are the features (if any) of one’s relations with compatriots that are lacking in one’s relations with the remainder of humanity? Do these justify granting some priority to compatriots?
Core Reading on (a)


Reus-Smit, Christian. The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations (1999). Chapters 1, 5, 6

Roth, Brad. Governmental Legitimacy in International Law (2000) esp. Chapters 1, 6


Core Reading on (b)


Further Reading


McKim, Robert, and Jeff McMahan, eds. The Morality of Nationalism (1997)

**Part B: The Ethics of War**

3rd Week  Just War Theory

When, if ever, is war just? One pivotal issue now between rival interpretations of just war—for example, those by Walzer and Coates—is the extent to which contemporary principles of just war ought to be state-centric. Another controversy concerns whether attempts at limiting war are a fundamentally misguided project, given the nature of the contemporary international system. Both extremes, pacifists who believe that declaring some warfare to be just promotes war by appearing to sanitize it, and adherents to 'war-is-hell' who believe that moderating warfare prolongs fighting and causes more misery overall than short and sharp action, reject the middle way constituted by just war. But if no form of military rescue can be justified, those with the bad luck to be born on the territories of genocidal states may simply be left by the rest of us to their unfortunate fates. If limiting norms are to be enforced, however, difficult choices arise among types of limits, such as limits among targets (combatants vs non-combatants), limits among weapons (nuclear vs biological vs anti-personnel land-mines), and the limits that can be placed on those who engage in long-term reconstruction.

**Question:** ‘Theories of just war are more concerned with protecting the sovereignty of states than with protecting the lives of individual persons.’ Do you agree?

**Core Reading**

Cecil Fabre *Cosmopolitan War* (2012), Chapters 1 and 2
Nicholas Rengger *Just War and International Order* (2013), Introduction, Chapters 3 and 5
Henry Shue ‘War’ in *Oxford Handbook of Practical Ethics* (2003), ed. by LaFollette, pp.734-61

**Further Reading**

Alex Bellamy *Just Wars: From Cicero to Iraq* (2006)
4th Week Jus ad bellum: When to Fight? Debating Pre-emption and Humanitarian Intervention

This class will examine possible exceptions to the prohibition on the use of force in the UN Charter. Does a reasonable doctrine of state sovereignty ever permit (or indeed require) military intervention? If so, on what grounds and by what means? We will focus on two cases.

The first possibility deals with the question of whether force can legitimately be used to pre-empt attack (in some formulations, an extension on the right of self-defence).

The second debate centres on whether force should ever be used to protect human rights, and, if so, under what conditions.

Question a: May a state legitimately use force to pre-empt attack?

Question b: Does the legitimacy of intervention for humanitarian purposes depend on who is doing the intervening?

Core Reading on (a)


Michael Doyle Striking First: Preemption and Prevention in International Conflict (2011), edited and introduced by S. Macedo

Core Reading on (b)

Simon Caney  
Justice Beyond Borders (2005), chapter 7

Martha Finnemore  

J.L Holzgrefe & Robert Keohane, eds.  
Humanitarian Intervention: Ethical, Legal, and Political Dilemmas (2003), Chapters by Teson and Franck

James Pattison  

Jennifer M Welsh  

Nicholas J. Wheeler  
Saving Strangers: Humanitarian Intervention in International Society (2000), Chapter 7

Further Reading

Alex Bellamy  

Alex Bellamy  
‘Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq’, Ethics and International Affairs, vol.19, (2005), pp. 31-53

Simon Chesterman  
Just War or Just Peace? Humanitarian Intervention and International Law

Aidan Hehir  

International Commission on Intervention and State Sovereignty  
The Responsibility to Protect (2001) This is available at: http://www.iciss-ciise.gc.ca [Website also contains background studies]

Anne Orford  
International Authority and the Responsibility to Protect (2011)

Oliver Ramsbotham and Tom Woodhouse.  

Adam Roberts  

Michael J. Smith  

Kok-Chor Tan  

Fernando R. Teson  
Humanitarian Intervention: An Inquiry into Law and Morality, 3rd edition

Michael Walzer  

Thomas G. Weiss  

Jennifer Welsh (editor)  
Humanitarian Intervention and International Relations (2004), Introduction and Part One.

Jennifer M Welsh  

R.J. Vincent  
Human Rights and International Relations (1986), Chapters 3 and 8
5th Week Jus in bello: How to Fight?

This week looks at two issues relating to debates about the scope of *jus in bello* (the norms that govern the conduct of war). The first examines the status of combatants during war, and the debate over whether combatants on both the ‘just’ and ‘unjust’ side should enjoy equal rights and responsibilities. More generally, it considers the relationship between *ad bellum* and *in bello* rules in just war theory.

The second issue is the impact of the rise of air power during the 20th century, and how in particular the practice of ‘strategic bombing’ transformed war by making it possible to lay waste to an adversary’s society without first needing to defeat its military forces. Recent bombing campaigns represent contemporary efforts to perfect this practice with new weapons, including precision-guided and robotic ones, and new targeting doctrines. Given the historical evidence about the effectiveness of strategic bombing (Pape), for what ends – if any – can bombing be justified? Are just war norms affecting the kinds of weapons and targeting doctrines being developed (and vice versa)?

**Question a: Would the revision of the principle of the ‘moral equality of soldiers’ erode or strengthen just war theory?**

**Question b: To what extent does the status of an international norm limiting bombing depend on the effectiveness of bombing?**

**Core Reading (a)**


Cecile Fabre  *Cosmopolitan War* (2012), Chapters 2 and 7


David Rodin and Henry Shue (editors)  *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (2008), esp. Chapters by Rodin, McMahan, Shue and Roberts

**Core Reading (b)**


Helen Kinsella  *The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian* (2011), Chapters 5 and 8


**Further Reading**


6th Week  Jus post bellum

Just war theory has focused primarily on the question of just cause and just conduct. But do judgments about the justice of war also depend upon the way in which the victors pursue peace? As a result of the ambitious plans for post-conflict reconstruction that have accompanied recent wars, many normative theorists have turned their attention to this question of ‘jus post bellum’. Do the responsibilities of victory demand only short-term compensation, or do they also extend to the creation of regimes which are more just? How can the latter be reconciled with the principle of self-determination? What constraints – if any – should be placed on the means by which victors pursue post war justice?

Core reading

Lazar, Seth. ‘Endings and Aftermath in the Ethics of War’ (2010), unpublished paper on file with Course provider


Further Reading


**Part C: Pluralism and Cosmopolitanism**

7th Week The Case for Pluralism

In *The Law of Peoples* John Rawls attempts to adapt ideas developed for a single society to the international arena. Yet, this exercise in ‘ideal theory’ differs quite substantially from his earlier works. Central to his “realistic utopia” is the acceptance of a diverse collection of societies, some of which represent what he calls “the fact of reasonable pluralism” and some of which represent a kind of further unreasonable pluralism, but all of whom are to be treated in a principled manner by liberal societies. The positions on justice worked out by David Miller and Michael Walzer constitute important and challenging alternatives to Rawls in both substance and method, but they share the belief in the moral significance of diverse communities. Within the discipline of IR, this emphasis on the value of pluralism is developed and applied in the work of Hedley Bull and Robert Jackson.

**Question:** “Pluralism claims to provide order and to respect the diversity of states and peoples, but in doing so it sacrifices the rights of individuals.” Discuss.

**Core Reading**


David Miller *National Responsibility and Global Justice* (2007) [available online with SOLO], Chapters 1, 4 and 9


**Core reading (IR pluralism)**

Robert Jackson The Global Covenant. Human Conduct in a World of States (2000) [available online with SOLO]

Further Reading


John Rawls Political Liberalism, Aug. Ed. (1996), pp.47-62 [as background for understanding the logic of Rawls’s international ethics]

8th Week Cosmopolitanism

In the last 30 years a number of defences of a cosmopolitan approach have been given. These authors all argue, in different ways, that what matters is pluralism for individuals – not societies. Yet they differ in what they retain and reject from the Rawlsian heritage and carve out different directions for post-Rawlsian theories of international justice. How defensible is the cosmopolitan approach? Does it give a satisfactory account of global political morality? Does it accord enough significance to nationality and civic membership – and to concepts like patriotism and loyalty? If individuals have universal civil, political and economic rights, who are the duty-bearers? If cosmopolitanism is inadequate must we thereby adopt a wholly statist approach? Is ‘cosmopolitanism’ still a useful concept or are we all, in some sense, cosmopolitans?

Question: “Given globalization, principles of distributive justice should apply at the global level.” Discuss
Core Reading

Simon Caney  *Justice Beyond Borders. A Global Political Theory* (2005), Chapters 1, 2 and 4
Thomas Pogge  *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2002/2008), Chapters 4 and 8
Mathias Risse  ‘How Does the Global Order Harm the Poor?’, *Philosophy & Public Affairs*, 33: 4 (Fall 2005), pp. 349-76. [response to Pogge]

Further Reading

A. J. Julius  “Nagel’s Atlas,” *Philosophy & Public Affairs* 34:2 (Spring 2006) [response to Nagel]

Part D: New Challenges in Normative Theory

9th Week  Climate Change and Justice

Human activities are putting severe pressure on the planet and we face the prospect of dangerous climate change and other kinds of global environmental degradation (such as biodiversity loss). These changes raise a number of normative questions. How should we think of the harmful effects of climate change? Who is responsible for combating climate change? How should the right to emit greenhouse gases be emitted? How should we interpret the doctrine of common but differentiated responsibilities? Why has a binding and effective climate treaty been so elusive? Should climate policies be addressed separately from development or together? What issues are raised by geo-engineering?

Question: Who should bear the burden of combatting climate change?

Core Reading

Stephen Gardiner  A Perfect Moral Storm: The Ethical Tragedy of Climate Change (2011) [available online at SOLO]
Henry Shue  ‘Global Environment and International Inequality’, International Affairs 75:3 (1999), pp.531-545

Further Reading

Robyn Eckersley  'Moving Forward in the Climate Negotiations: Multilateralism or Minilateralism?', Global Environmental Politics 12: 2 (2012), pp.24-42.


Eric Posner and David Weisbach *Climate Change Justice* (2010)

Sir Nicholas Stern *The Stern Review on the Economics of Climate Change* (2007). This is available at: http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/stern_review_report.cfm


For a good source of information about climate science see the website of the Intergovernmental Panel on Climate Change at http://www.ipcc.ch/

This lists its Assessment Reports. The most recent is the Fourth Assessment Report. That is available here: http://www.ipcc.ch/publications_and_data/publications_and_data_reports.shtml#_UWhf2E1Y1q-

**10th Week** Reform of the International System

**Readings TBD**