ETHICS

AND

INTERNATIONAL

AFFAIRS

EXTENT & LIMITS

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AND Daniel Warner

Ethics and international affairs: Extent and limits

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Introduction: Reflections on the extent and limits of contemporary international ethics

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To introduce what is at stake in ethics and contemporary international affairs requires us to focus on three sets of issues. First, since nowhere in the rest of the book is ethics defined and discussed in general terms, a few thoughts are needed to clarify what is meant in a broad sense. Second, the authors will reflect upon some of the major elements shaping the interplay between ethics and contemporary international affairs. Touching upon these two sets of issues will lay the ground for the examination, throughout the book, of the ethical dimensions of the current international context. Finally, this chapter will offer a brief overview of the main themes addressed and areas covered by the authors.

Some considerations on ethics in general

Ethics is concerned with being as close as possible to realizing the idea, the positive idea, of what it is to be a human being. It is about approaching as closely as possible a sense of what is essentially *human* in our nature. In thinking and acting in an ethical manner, the individual makes himself a witness to what positively distinguishes humans: the quest for dignity. As such, ethics is a search for a reconciled presence – a reconciled presence to oneself, presence to others, presence to the world. This is also to say that ethics is not about the self in isolation. Ethics,

fundamentally, has a social quality. It aims at integrating the existence
and the fate of others into our vision of ourselves, into our thoughts and
actions. It is about feeling that our individual lives extend to the lives of
others. Ethics forces each of us to feel that our identity is also defined
by our relations to others. It is the experience that, somehow, we owe
something to others and that our ability to handle what we owe to others
decides in some sense who we are. In fact, this social dimension of ethics
tells us that virtues, which we can generally think about as the substance
of ethical behaviour, are social virtues. Think, for instance, about justice,
or responsibility, or solidarity. The essence of these virtues is a recogni-
tion of what we owe to others and is dedicated to ensuring that others
receive their fair share.

On ethics, reciprocity, and responsibility

It follows from this that ethics has also to be understood as the experi-
ence and organization of reciprocity. It has to be understood as the or-
ganization of rights and duties. Nothing is more common, indeed, than
to think of an ethical attitude as one that presupposes the existence of
others' rights. This recognition engenders a duty – the duty to respect
others' rights. By the same token, in respecting others' rights, by making
it one's own duty, one secures one's own rights and others' sense that
they are similarly duty bound to protect them. It is this constant exchange
of rights and duties among people that accounts for the sense of re-
ciprocity among them, a system of ethical interactions. The importance
that every discourse on ethics attributes to respect and tolerance is a clear
illustration of the special place of reciprocity.

From the organization of reciprocity, the exchange of rights and duties,
which in the end is part of the social cement required for people to live
together, derives a sense of responsibility and solidarity. Ethical and
dutiful action is bound up with the projection of responsibility and soli-
darity. Incidentally, while these two notions – responsibility and solidarity
– constitute the cornerstones of ethics in any society, it is interesting to
note that they have acquired a prime importance in contemporary ethics
as shaped by democratic ethics. There are two simple reasons for this. On
the one hand, responsibility echoes the modern conception of the indi-
vidual; that is, the idea that each person has the power to deliberate
freely and autonomously about whom he or she wants to be. On the other
hand, because they are so dependent upon the will of the individual, re-
sponsibility and solidarity constantly run the risk of being undermined by
self-centredness and self-interest.

Ethics, values, and law

The sense of reconciled presence and the experience of reciprocity that primarily comprise ethics lead each of us to try to embody a concept of decency. Ethics is about trying to be decent. As such, ethics is charged with values. It is the expression of a preference for certain values over others. When it comes to ethics, values play three key roles. First, values define what is good and, consequently, what is bad. They define what is right and, consequently, what is wrong. Obviously, the good defined by these values is premised upon the respectful interaction of people. That is why justice is the ultimate ethical value. Justice focuses on finding and constantly fine-tuning what is good, what is right. This constant search for justice explains the evolution of rights. It explains, for instance, the fact that acts not forbidden by law yesterday may today be viewed as crimes.

Second, in defining what is good and bad, what is right and wrong, values participate in the ethical mapping of the world in which we live. They contribute to the establishment of distinctions and hierarchies between, on the one hand, principles to abide by and ideals to aspire to, and on the other hand, courses of action to avoid. They are part of the process that articulates what is commendable and what is condemnable. They help point the arrow towards what we should be striving for, what we should be and what we should do. To understand how the power of ethics to discriminate between what is good and what is bad differs from morality – because ethics and morality, although highly related, are not strictly identical – a precise definition is needed. Morality is primarily, if not exclusively, an evaluation of what is good and what is bad in absolute terms. It is a praise of what is good and a condemnation of what is bad, conducted in absolute terms. Ethics is different. Ethics approaches and organizes what is good and what is bad by keeping sight of the imperative of reciprocity among people, of the need to facilitate their lives together. This is why morality can sometimes be intolerant in its absolute judgements, while ethics tends to value tolerance, to look for ways to accommodate, reconcile, and bring together different people and their various points of view.

Values play a third role in ethics, especially the positive values, those that ethics favours and cherishes the most: justice, love, friendship, tolerance, compassion, empathy, generosity, integrity, sincerity, courage. Here ethics boils down to the fact that positive values, values that bring people together, not only allow people to relate to themselves, to others, and to their environment in a reconciled manner. They are also the good exchanged in the relationship. Take, for instance, the value of justice. Justice puts two individuals in contact on an equitable footing *and* is a good

that they exchange. Similarly, love is a value that brings two individuals closer *and* is a good that is exchanged between them. Another effect of positive values on people – the effect of justice, of love – is that they fuel a desire for and the possibility of more – more justice, more love. The more people experience love, the more people value love. The more people experience justice, the more they value justice. In brief, experiencing positive values has an inspirational and fulfilling effect on people, an effect that enhances the desire for and the possibility of a more ethical world geared towards opening up to others and sharing.

The sense of justice and reciprocity that animates ethics cannot, however, be implemented in a vacuum or on its own. The positive effect that the experience of justice has on people is not enough to ensure that individuals will abide by the rule of ethics naturally. After all, human beings are imperfect, and they have to be helped to become and remain ethical. If we were assured that people would behave ethically naturally, if we were certain that compassion and respect for others would be the exclusive guiding principles of people's thoughts and actions, law would not be needed. In the absence of such certainty, laws are required to make a minimum of ethics a daily reality. Law, whether private or public, whether national or international, ensures that a minimum sense of responsibility and reciprocity, a minimum sense of ethics, regulates the relationships among individuals and among states.

From ethics to international affairs

Ultimately, the ethical dimension of responsibility is linked with the notion of choice, and with the central place, and the moral burden, that it has come to hold in modern life. From the start, ethics is about deliberating and eventually choosing among a variety of options. This requires a choice between what is morally right and what is morally wrong. The difficulty and the challenge of modern culture, and more specifically of contemporary culture, are that there have never been more options for our moral judgements and our ethical choice than today, at least in highly developed societies. In addition, if it is the power to influence the world, to change and improve it, that creates the possibility of an ethical choice, if it is this power that makes an issue of whether to feel responsible, whether to exercise responsibility, it results that the responsibility for ethical behaviour falls first to the powerful rather than to the powerless.[1] Think of the destitute individual in India who struggles daily to stay alive. Can this individual do anything to improve the ethical character of international relations, of world order? The answer is, largely, no. But wealthy and powerful individuals and countries can certainly help. It is then up to them to use their power ethically or otherwise.

A telling and perturbing illustration of this state of affairs is the fact that most of the theorization on ethics, on the conditions of an ethical exercise of power, is a by-product of situations of power hegemony. This is the case for the ethics of politics at the national level, but also for the ethics of politics at the international level. For example, in international law scholars such as Vittoria, Grotius, Pufendorf, and Vatel were reflecting upon and theorizing international ethics and international affairs at a time when Europe was dominating the world and was confronted with the ethical and unethical dimensions of its international power. Nowadays, a great number of the works dealings with international ethics come from the USA, and American scholars are all too often led to think that international ethics is first and foremost about analysing whether US hegemony could ever be internationally ethical.[2] While this matter is certainly of great importance, there is more than this to ethics and contemporary international affairs.

International ethics and the contemporary context

The 1990s brought about a renewal of activity at the international level. Local, national, regional, and international actors seized the opportunity offered by the period – especially in the first half of the 1990s – to call for changes envisioned and designed to improve the distribution of power and responsibilities in some of the most critical areas of international politics. Human rights, humanitarian intervention, refugees, international economic justice, and the environment came to the fore. The spirit of the times advocated greater respect and better implementation of certain norms in the name of a more "ethical" politics.

Acting ethically at the international level seemed a real possibility in the 1990s. Minimally, the end of the Cold War created space that did not exist before, for the clear reason that confrontation between the superpowers superseded other considerations. Along with the end of the Cold War, the growing importance attributed to the democratization of the international system also favoured a more ethical approach to international problems. As a result, progress was achieved in the last decade – a progress that worked in favour of the awareness, conceptualization, and implementation of a different agenda in international affairs. Human rights, international criminal justice, and environmental issues have now become central features of public discourse. In itself, this is no small achievement.

But the initial sense of opportunity and optimism proved to be presumptuous. Indeed, at the beginning of 2000, 10 years into the post-Cold War era, we are still very far away from having the new agenda supersede

traditional notions of power and security. In fact, one of the lessons of the 1990s is that traditional forces seem to accompany the intrinsic thin socialization of international affairs. Another lesson is that when ideals and principles of democratic culture acquire a greater influence on international deliberations and actions, the situation certainly gets better and ethical concerns are more central to the attention of public opinion and decision-makers. However, deliberations, decisions, and actions are still framed in traditional choices. While recognizing the importance of the international realm, decision-makers tend to minimize a commitment to it, often reverting to simplistic notions of national interest. Ethics has not become a global political reality.

Nothing illustrates this state of affairs better than the ways in which Western decision-makers have handled humanitarian crises in the past decade and the ambiguous results they produced. As the political culture of the 1990s became increasingly a mixture of responsibilities on both the national and international levels, it turned out to be difficult for political leaders to stay away from crises. Nationally and internationally under pressure, they had to attempt to find solutions. But with the demands for ethical action came a number of tensions and dilemmas. As political leaders served the international community and those who fall under its aegis, they were also responsive to the demands of domestic constituencies. Such demands, while pressing for international action, remained wary of a full international commitment, especially if it involved great risks. Hence, international affairs were marked by the half-hearted measures which epitomized, in one way or another, the humanitarian and military interventions in the 1990s. In a time when issues of national interest are less and less able to justify the sacrifice of soldiers' lives, it was almost inevitable that, although engaged in the extension of international solidarity, the democratic powers would search ever further for ethical fulfilment without full ethical commitment.

The duality of international ethics

The half-hearted measures adopted under the auspices of the major Western democratic powers and the United Nations in the situations of humanitarian crises in the 1990s are part of a particularly dramatic context. But they are certainly not an isolated phenomenon. Rather, they are an illustration of the general dual character of contemporary international ethics. The same dual character can also be found, although often in a less emotional fashion, in other areas of application of international ethics, such as environment, economic justice, etc. In the context of its duality, contemporary international ethics is both extended and limited. It is both activist and passive, progressive and conservative. The duality

of contemporary international ethics is largely the tip of the iceberg, the manifestation of the structural characteristics, at the same time compatible and in competition, of contemporary democratic culture in its national and international dimensions. As such, it also lies between the democratic and ethical obligations attached to the existence of the international community and the demands of the nation-state.

The extent and limitations of international ethics have to be understood in light of the structure of the international realm and of the constraints it imposes on ethical considerations. A central feature of this structure, and of the obstacle it constitutes for institutionalizing ethics at the international level for socializing international relations, lies in the limits of the experience of identification with others and of the extension of the sense of community. Already a challenge at the national level, where fragmentation and multiculturalism are increasingly evident, the experience of identification and the extension of the sense of community beyond borders appear even more difficult in the international realm. The internationalization of democratic culture attenuates the effects of this difficulty, since its aim is precisely to extend a sense of reciprocity and solidarity universally, constituting as such one of the most advanced contributions yet to international ethics. But it does not get rid of them. One could even argue that it makes ethical choices more agonizing. In periods of extreme necessity, the imperative of survival tends to constitute in itself an overall justification. However, in times of relative peace, things are different. When one has the power to act ethically or not at the international level, deliberations on what acting ethically means, and on how much is required or on how far one should go to satisfy the demands of ethics, end up being at the centre of the debates and do not offer an easy way out. Another example of the difficulty of fulfilling the requirements of identification beyond borders is the fact that although rational constructions of extended spaces like the European Union are appealing, emotional attachments to smaller and smaller political units are very strong.[3]

Continuum and divide

The extent and limitations of contemporary international ethics, of international ethics in a time when democratic culture has come to constitute the ideological frame of reference, have to be understood in connection with two elements. They have to be understood in connection with both the continuum and the gap that exist among the individual, national, and international levels when it comes to deliberation, decision, and action in ethical terms.

The continuum accounts for the extension of ethics beyond borders

towards the universalization of ethics. This continuum that bridges the individual, national, and international levels is based on democratic ideals and their diffusion, and tends to make the individual the prime beneficiary of international ethics. Under this light, international ethics, the extension of a sense of solidarity and responsibility beyond borders, is first and foremost a projection and an externalization, at the international level, of some of the core political and legal democratic values, such as the universality of equality and freedom, and individuals' rights. Hence, powerful Western democratic nations are eager to be involved in international affairs, to act and intervene in the defence of human rights, to contribute to the diffusion of democratic ideals. It is not only their economic and military power that make such course of action possible, but also key elements of their democratic political culture. This should not come as a surprise, since the democratic message and the ethics of international law contained in current international law and international organizations, especially the United Nations, are mainly a creation of the major democratic powers.

The importance of this continuum does not exclude the existence of a gap between the individual, national, and international levels. This gap accounts primarily for the limitations of international ethics, and takes place within the framework of a "we" versus "them" divide – a divide that the sense of transborder solidarity that Western democratic countries and a number of international organizations convey and promote never eliminates entirely. The existence and the effects on international ethics of such a divide echo the fact that the extension of identification and solidarity works in a concentric manner. Humanity beyond borders is itself one of the widest of the circles. It does not generate the level of commitment that the national circle still tends to produce, especially in stable, developed countries that are economically, socially, and politically integrated; hence the tendency to evaluate the ethics of international responsibility on the basis of national considerations. Hence, also, an evaluation of the costs and benefits of the sense of international responsibility and intervention which is designed to ensure that the costs will not be higher than the benefits. "We" tend to be responsible internationally when it is in "our" interest.

The guiding principle of the cost-benefit assessment is the existence of an implicit hierarchy between the recognition and allocation of rights and the public good at the domestic level (benefiting both the individuals and the national collectivity, if not the state), and the recognition and allocation of rights and the public good at the international level. Here, the ethics of the national competes with and often prevails over the ethics of the international. Such a hierarchy is, after all, rather natural in the present international environment, which is still inhabited by a strong

nation-state tropism. Western democratic countries recognize that it is part of their responsibility as essential actors in international democratic life to act beyond their own borders in order to enhance a sense of international solidarity and responsibility. However, they continuously deploy the extension and implementation of international responsibility within a hierarchical world view which rarely, if ever, jeopardizes the domestic level for the sake of priorities attributed to the international level. Developing countries themselves tend to be the adepts of the "we" versus "them" divide – sometimes in the name of international ethics itself. The diffidence with which a number of them consider, for instance, human rights issues, and the fact that they often consider them to be used by the West as a tool against the exercise of their national sovereignty, are not always and only based on bad faith. They can also express a legitimate concern for respect for local cultures and diversity. The growing awareness of the ideological charge of certain categories and aspects of universal rights serves here as a proof. And so does the growing recognition of the need to contextualize and multiculturalize the universality of rights to preserve the validity of their claims.[4]

The combination of the continuum and divide which shape international affairs thus explains the fact that the extent and limits of contemporary international ethics are best cast in the ethical dilemmas through which deliberations and actions tend to take place in the international realm. By way of example, three of these dilemmas can be seen in the dramatic context of the humanitarian crises of the 1990s. A first dilemma has been how to extend international solidarity while preserving as much as possible the lives of the national and United Nations personnel involved. The balance between these two goals has proved to be difficult to strike – for instance in Somalia, Bosnia, Kosovo, and Sierra Leone – and has often led to modalities of intervention more designed to avoid casualties for the intervening powers than to attend and protect the population on the ground. Another dilemma of contemporary international ethics that political decision-makers of the 1990s had to face again and again was to strike the right balance between protecting human rights and continuing to uphold the principle of national sovereignty as one of the cornerstones of the international system. Finally, and more generally, there is the ethical dilemma of weighing the political and normative appropriateness of being either too conservative or too progressive in handling the humanitarian and war crises at the international level.

The normative evolution of international ethics

The limitations undermining the extent of ethics in international affairs could lead some to adopt a cynical and pessimistic view on the present

and future state of international ethics. While there is certainly no reason to be overjoyed by the current situation and naively optimistic for the years to come, it would be a mistake to follow the path of cynicism and pessimism. It would be a mistake for it would mean overlooking the historical dimension of ethics and the changes it brings about over time as individuals become more aware of their rights and more empowered. The system of norms which shapes international law and gives normative guidance to the international system, the evolution it goes through, and the incremental progress it displays in the end serve here, in spite of the unavoidable momentary setbacks – which can sometimes be very long, to the point of appearing as the permanent state of affairs – as a reason for adopting a more balanced view.

A number of major principles constitute the fundamentals and structural standards of international law and the international system. They establish the overall legitimacy of the international system, in terms of both values and modalities of action. They also spell out for state actors the main rules of the game of international life and, as such, a certain ethics *of* international affairs and *in* international affairs. These principles include the sovereign equality of states; the self-determination of peoples; a prohibition on the threat or use of force; the peaceful settlement of disputes; non-intervention in the internal affairs of other states; respect for human rights; international cooperation; and good faith. Once these principles are analysed as a whole, it quickly becomes apparent that there are relations of compatibility and competition among them. It happens that the juxtaposition of the sense of compatibility and competition among them echoes the various demands that the international system as regulated by international law is asked to recognize and negotiate with. An example of the compatibility among these principles is the possible complementarity between the respect for human rights and that for self-determination for peoples. Both deal, at least in principle, with people's rights.[5] On the other hand, more and more observers recognize the growing competition or problematic coherence between the respect for human rights and that for non-intervention in the internal affairs of states.

The relationships of compatibility and competition among the norms of the international system are by no means fixed. They are the products of a historical and political evolution, and hence evolve with the international system. Ultimately, the more-or-less explicit and entrenched hierarchy that emerges from the compatibility-competition relationships among the normative principles of the international system indicates its evolving priorities. Increasingly, the international system and the norms which give guidance and validity – political, social, and ethical guidance and validity – have changed with the values that people, ordinary people,

support and identify with. They have evolved with the values and the implementation of the values that individuals have more and more seen as essential to their sense of human dignity. Hence, since the beginning of the 1990s, the ethics of international affairs has tended to give more importance to principles that focus on democratic culture, that are part of a commitment to democratization. Concerns for human rights and humanitarian issues have become a trademark of international discourse in the 1990s.

Reasons for cautious optimism for the future

In addressing the democratic dilemmas of international action without transcending them, international ethics is today merely reflecting and crystallizing the plurality of motivations, imperatives, and ultimately legitimacies and loyalties which inhabit contemporary political life. The actual ethics of international affairs is incorporating and projecting the orders and disorders of the contemporary world. It is echoing both the resistance to change and the demands for change. As such, it is participating, although hesitantly, in the improvement of international life. This situation, along with the ambiguities and tensions it entails, may appear not fully satisfactory to anyone eager to see implemented an international landscape displaying a sense of total reconciliation and justice. However, one has to recognize that the fact that international action is taking place within the constraints of dilemmas also represents a positive step. Compared to a world in which these dilemmas would be disregarded altogether, and in which considerations of national interest and raw power alone would be the sole criteria of deliberation and action at the international level, compared to a world in which absolute priority would be given to the national dimension, it constitutes progress in the negotiation of political life.

Scanning the book

The research project leading to this book began as an exploration of new ethical issues in international affairs in the 1990s. In the end, most of the chapters brought together by the project reflect upon what is the *motto* of the time – of today and most likely of the near future – when it comes to ethics and international affairs; that is, the extent and the limits of contemporary international ethics. In this context, the book achieves three main goals.

First, it takes stock of the extent and limits of the sense of international responsibility in some of the most crucial contemporary challenges on