

Review of International Studies

<http://journals.cambridge.org/RIS>

Additional services for *Review of International Studies*:

Email alerts: [Click here](#)

Subscriptions: [Click here](#)

Commercial reprints: [Click here](#)

Terms of use : [Click here](#)



International justice and the reform of global governance: a reconsideration of Michael Walzer's international political theory

PETER SUTCH

Review of International Studies / Volume 35 / Issue 03 / July 2009, pp 513 - 530
DOI: 10.1017/S0260210509008638, Published online: 06 July 2009

Link to this article: http://journals.cambridge.org/abstract_S0260210509008638

How to cite this article:

PETER SUTCH (2009). International justice and the reform of global governance: a reconsideration of Michael Walzer's international political theory. Review of International Studies, 35, pp 513-530 doi:10.1017/S0260210509008638

Request Permissions : [Click here](#)

International justice and the reform of global governance: a reconsideration of Michael Walzer's international political theory

PETER SUTCH*

Abstract. Walzer has recently updated his just war theory to take account of terrorism, humanitarian military intervention and new interpretations of the doctrine of self-defence, pre-emptive and preventative warfare. The ethical considerations that underwrite Walzer's most recent work invite us beyond the routine citation of his work to a proper consideration of the moral parameters of international politics. Beyond *Just and Unjust Wars* Walzer has a wealth of insight into the key questions of international theory. His work on toleration, the nature of universality or on the role of social criticism has always been the basis of his insight into the hard questions of international ethics. Despite being heavily criticised for being communitarian or conservative (both charges that need serious re-evaluation) Walzer's ideas offer a real alternative to the dominant neo-Kantian cosmopolitan tradition and a workable ethical framework for thinking about the challenges of contemporary international politics and international law. Nowhere is this more apparent than in the final essay of *Arguing About War*. The essay, entitled 'Governing the Globe' offers a radical vision of a reformed international society inspired by the principles that underpin Walzer's development of his just war theory and it is vital that we take notice.

Introduction

Michael Walzer's place in the pantheon of contemporary IR theory is assured. His name is a byword for just war theory. To cite *Just and Unjust Wars* is to confer authority upon an article or statement on the ethics of military force. What else is there to say?

This rather neat view of Walzer's theoretical contribution to international political theory is so dominant that scholars have either stopped reading Walzer altogether or have decided to ignore his more recent writing on international justice because it does not gel with his established reputation. But Walzer's more recent work challenges this complacency. In many recent articles and lectures, and

* I would like to thank all those who contributed to the development of this article including participants at the thin universalism workshop at Cardiff and particularly to Peri Roberts, Bruce Haddock, David Boucher and Rex Martin. Sincere thanks to the readers for the *Review of International Studies* whose generous and thoughtful comments played a significant role in the development of my argument.

particularly in the 2004 *Arguing about War*,¹ Walzer has re-examined his position. He has developed the traditional principles of *jus in bello* and *jus ad bellum* in the light of terrorism, humanitarian military intervention and new interpretations of the doctrine of self-defence, pre-emptive and preventative warfare. This re-examination, while fascinating and far-reaching, is far more than the application of old principles to new problems and has led Walzer (and must lead us) to return to the broader questions of international justice that have always underpinned his work.

One particularly clear indicator of Walzer's position is to be found in the introductions to that staple of IR theory *Just and Unjust Wars*. The Third edition of this classic text in 2000, written nearly quarter of a century after the work was first published, bemoans the fact that so little has changed in world politics that the text is as relevant as it ever was. By the time of the fourth edition in 2006, the introduction is startlingly new. Not only must we think about regime change and *jus post bellum* occupation (trusteeships and protectorates) but the category *jus ad bellum* needs to be extended to *jus ad vim* (or the just use of force short of war).²

The ethical considerations that underwrite Walzer's newer account of just war theory invite us beyond the mere citation of his work to a proper consideration of the moral parameters of international politics. Beyond *Just and Unjust Wars* Walzer has a wealth of insight into the key questions of contemporary political theory. His work on toleration, the nature of universality or on the role of social criticism has always been the basis of his insight into the hard questions of international ethics. Despite being heavily criticised for being communitarian or conservative (both charges that must be re-assessed in the light of recent work if we are truly to benefit from Walzer's insights) Walzer's ideas offer a real alternative to the dominant neo-Kantian cosmopolitan tradition and a framework for thinking about the challenges of contemporary international politics and international law. Nowhere is this more apparent than in the final essay of *Arguing About War*. The essay, entitled 'Governing the Globe' has been the subject of Walzer's Multatuli lecture at Leuven in 1999, it appeared in various forms in *Dissent Magazine* and in *Ethical Perspectives*, it was the subject of a series of presentations and occasional lectures and, I argue in the remainder of this article, it offers a radical vision of a reformed international society inspired by the principles that underpin Walzer's development of his just war theory.³ This piece of work has been around for a considerable time but has not really penetrated the collective psyche of those who routinely refer to Walzer's oeuvre either as inspiration or for the purposes of critique. Here I wish to present the core elements of that essay to make two arguments. Firstly, I argue that we urgently need to reassess the contemporary message of Walzer's IR theory as the image of Walzer the conservative just war theorist no longer withstands scholarly attention. Secondly, I argue that having

¹ M. Walzer, *Arguing About War* (Yale University Press, New Haven and London, 2004).

² M. Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (Basic Books, 2006). See also M. Walzer 'Regime Change and Just War', *Dissent Magazine* (Summer 2006) at <http://www.dissentmagazine.org/article/?article=663> (accessed on 14 April 2008).

³ M. Walzer, *Arguing About War*, pp171–91. Also 'International Society: What is the best we can do?' Paper number 8 <http://www.sss.ias.edu/publications/papers/papereight.pdf>, June 2000, p5. (accessed on 14 April 2008). This article (an earlier draft) was also published in the Journal of the European Ethics Network, *Ethical Perspectives*, December 1999. All references will be to the version published in *Arguing About War*.

assimilated the core elements of this essay we must 'read back' through Walzer's major works to seek theoretical consistency and that, if we do so, we find a strikingly different and vitally important message woven in to his account of international justice.

Walzer on international justice: an unorthodox view

Walzer's political prescriptions range from the consolidation of the Nation-State system to a radical reform of International Society. Here I want to explore his more radical claims, such as his claim that the past injustices of world politics (the British Empire or American or Soviet aggression) should be repaid, perhaps by 'far reaching redistributions of wealth and resources'.⁴ I want to examine these claims and see if there is one coherent theoretical underpinning that links them with his more conventionalist claims concerning the right to self-determination and inviolability of sovereignty; that is with the established body of his work.⁵ It is the case that Walzer's pronouncements have grown more ambitious over the years. Indeed the tension between Walzer's claim that 'all in all, we cannot be happy with the current state of the world'⁶ and the standard view of his work as strictly conventionalist seems too much to ignore. It is certainly true of the more radical aspect of Walzer's work, as Orend notes, that:

[h]is most interesting and provocative contentions – like those concerning land transfers, international alimony payments and pacific unions – are only briefly mentioned, and then quickly set aside.⁷

Nevertheless with the publication of 'Governing the Globe' there is enough consistency to his wish to reform International Society to warrant a serious examination.

If we survey the range of Walzer's work it seems that there is a tension between the claim that international justice hinges on the proliferation of nation-states and the expansion of the nation-states system and his more recent claim that the best form of international society is characterised by what he terms 'the third degree of global pluralism' which, 'in its fully developed (ideal) version [. . .] offers the largest number of opportunities for political action on behalf of peace, justice, cultural difference and individual rights'.⁸ This model incorporates national, regional and global political structures and places a heavy emphasis on the weakening of national sovereignty and the creation of 'alternative centres' capable of protecting and encouraging political and social identity, encouraging, as Walzer puts it, political possibility.⁹

⁴ M. Walzer, 'Response' in Miller and Walzer (eds), *Pluralism Justice and Equality* (Oxford, 1995), p. 293.

⁵ M. Walzer, *Just and Unjust Wars: A moral Argument with Historical Illustrations* (New York: Basic Books, 1977), Part Two.

⁶ Walzer, *Arguing About War*, p. 179.

⁷ Orend, *Walzer on war and Justice*, p. 176.

⁸ Walzer, *Arguing About War*, p. 186.

⁹ *Ibid.*, p. 188.

A progressive conventionalist

I do not want to challenge the more conservative image of Walzer's political theory fully. The image of Walzer the advocate of sovereign independence and non-intervention in international affairs is correct (as far as it goes). Nevertheless there is another side to Walzer's theory, a more progressive side that has always sat uneasily with his conventionalist image. Without an adequate grasp of this side of his work we cannot understand the impact of Walzer's contribution to the most important debates in contemporary international studies. My claim is that there is firm theoretical consistency between these sides of Walzer's work. My argument is that the link between these contrasting views can be found in Walzer's distinctive approach to the issue of how universal political principles arise. The claim is not that Walzer has always rested his account of just war or international justice on a clear, distinctively particularist account of universalism. It is quite clear, for example, that his early account of the development of international moral principles, especially those politically urgent rights to life and liberty that underpin the rules of disregard that ground his early defence of intervention, is based on a problematically orthodox liberal-universalism. His claim that such rights are 'somehow entailed by our sense of what it means to be a human being'¹⁰ was ruthlessly targeted in the early critical debates that surrounded the publication of *Just and Unjust Wars*. What is so important about these exchanges is the place they have in the evolution of contemporary normative political and international theory. The criticism of Walzer, especially by Beitz, Luban and Doppelt,¹¹ and the subsequent issue of *Philosophy and Public Affairs* that allowed the argument to develop¹² set out the terms of the cosmopolitan/communitarian debate. Here the inability of Walzer to justify his moral claims without seeming to rely on a liberal-universalism led to a number of theoretical positions becoming deeply entrenched in normative IR theory. The most important was that communitarians cannot make coherent claims about universal human rights or the development of international justice more generally. From this it followed that communitarians in IR theory were statist, only methodologically distanced from the ranks of realists that were the nemesis of normative judgment and that cosmopolitanism was the only basis for a morally progressive IR theory. Walzer thus became identified with a deeply conservative normative communitarianism. However despite the fact that Walzer did not have the theoretical vocabulary to defend his position in these early exchanges it is quite clear that his subsequent work developing a distinctively particularist account of universalism is an important attempt to give voice to his belief that communitarianism and universal moral principles are compatible.

My argument relies on a reconstruction of the trajectory of Walzer's thought from 'The Moral Standing of States' to 'Governing the Globe'. The development of key ideas through essays such as 'Philosophy and Democracy',¹³ 'Liberalism and

¹⁰ Walzer, *Just and Unjust Wars*, p. 54.

¹¹ See particularly G. Doppelt, 'Walzer's Theory of Morality in International Relations', *Philosophy and Public Affairs*, 8:1 (1978), C. Beitz, 'Bounded Morality: Justice and the State in World Politics', *International Organization*, 33:3 (Summer 1979), pp. 405–24 and D. Luban, 'Just War and Human Rights', *Philosophy and Public Affairs*, 9:2 (Winter 1980), pp. 161–81.

¹² See M. Walzer, 'The Moral Standing of States: A Response to Four Critics' and articles by C. Beitz, D. Luban and G. Doppelt in *Philosophy and Public Affairs*, vols 8 and 9 (1980).

¹³ M. Walzer, 'Philosophy and Democracy', *Political Theory*, 9 (1981), pp. 379–99.

the Art of Separation',¹⁴ 'The Communitarian Critique of Liberalism',¹⁵ 'Nation and Universe',¹⁶ and *Thick and Thin*¹⁷ is vitally important to any understanding of Walzer's position. We need to take very seriously the link between Walzer's communitarianism and his account of universalism. For those of us interested in the ethics of intervention this link manifests itself Walzer's development of his account of *Jus ad Bellum* to incorporate *Jus ad Vim* and his later argument in favour of a radically redeveloped international political order. It allows us to really understand why Walzer developed the 'rules of disregard' that legitimate some interventions in *Just and Unjust Wars* and why he progressively relaxes the principle of non-intervention throughout his career. For those of us interested in IR theory more generally this link forces us to rethink the content of Walzer's communitarianism and provides the impetus to move normative theory beyond the cosmopolitan/communitarian impasse. It tells us why we are mistaken to view Walzer as an ultra-conservative normative communitarian and why we might better think of him, in Adler's rather useful terminology, as an 'analytic communitarian', someone whose account of the development of universal moral principles reinforces (rather than denies) the epistemological and ontological importance of communities.¹⁸

For a political theorist interested in world politics Walzer's argument is immediately and intuitively engaging because it promises a universal theory that can explain the appeal of moral particularism and the place of distinct (if not discrete) political communities. Such an approach offers to make sense of a world in which we are all keenly aware that political sovereignty is both a much valued and key element of world politics and one of the central reasons why we are not making the major advances in international law and politics that the normative discourse of international society requires. It is politically engaging because it allows us to think about both universal justice (with its emphasis on human rights, multilateralism, humanitarianism) and sovereignty (with its stress on pluralism, self-determination and non-intervention). It is philosophically engaging because it promises to retell the story of universalism in a way that claims to avoid the pitfalls that beset much modern and virtually all cosmopolitan thinking. At both of these points Walzer has been the object of much criticism. Walzer's emphasis on the necessity of particularist or communal 'thickness' to the everyday lives of the world's inhabitants and his subsequent defence of sovereignty and the principle of non-intervention has led to accusations of moral and political conservatism (for which read insensitivity) for over twenty-five years.¹⁹ Similarly the general view of liberal and cosmopolitan critics has been that there is a marked lack of substantive *theory* in Walzer's work; that he did not, and could not, defend his conservatism

¹⁴ M. Walzer, 'Liberalism and the Art of Separation', *Political Theory*, 12 (1984), pp. 315–30.

¹⁵ M. Walzer, 'The Communitarian Critique of Liberalism', *Political Theory*, 18 (1990), pp. 6–23.

¹⁶ M. Walzer, 'Nation and Universe', in G. Petersen (ed.), *The Tanner Lectures on Human Values XI*, 1989 (Salt Lake City: University of Utah Press, 1990), p. 509.

¹⁷ M. Walzer, *Thick and Thin: Moral Arguments at Home and Abroad* (University of Notre Dame Press, 1994).

¹⁸ E. Adler, *Communitarian International Relations: the Epistemic Foundations of International Relations* (London: Routledge, 2005), pp. 14–5.

¹⁹ For Walzer's principal defence of non-intervention see M. Walzer, *Just and Unjust Wars*. For a representative sample of criticisms of this stance, see articles by C. Beitz, D. Liban and G. Poppelt in *Philosophy and Public Affairs*, vols 8 and 9, 1980.

or his occasional foray into universal (but very thin) human rights. Not only do I think that the standard criticism of Walzer's justificatory theory can be shown to be wide of the mark but also that Walzer's general theory is far more radical than a conventionalist defence of the *status quo*. Indeed his apparent communitarianism finds him one step away from the ideal of a pacific federation found in the Kantian tradition.²⁰ Despite Walzer's own reticence in *Thick and Thin*, *The Company of Critics* or *Just and Unjust Wars*²¹ it is the logic of his theory of 'reiterative universalism' that has led him this way. In making these arguments I want to begin to tease out the more radical side of Walzer's theory. I think his radicalism goes a long way beyond the moral minimum found in *Thick and Thin* or the amendments to the 'Legalist Paradigm' in *Just and Unjust Wars* that limit a state's right to self-determination. Ultimately I want to suggest that the force of Walzer's IR theory requires that we begin to rethink the dominant norms of international politics and ethics and the peremptory norms of international law (*Jus Cogens*). Far from being a statist with a 'sovereignty fixation' Walzer offers a vision of international society that has to change to become more politically effective and more tolerant towards lives 'without clear boundaries'.²²

I am aware that this is an unusual reading of Walzer. I am, nevertheless, convinced that the standard view of Walzer's general theory does not tell the full story. This view can be summarized by drawing on Orend's excellent book *Walzer on War and Justice*. He argues that:

[w]hile Walzer does not ignore questions of international justice in general, it is clear that he does not devote much attention to them. Just war theory remains his overwhelming focus in international affairs. This is not, however, a mere difference in taste or relative expertise: it is rooted in his conviction that war remains the most significant interaction between states and so must be the main concern for theorists of international justice.²³

I have no quarrel with Orend's analysis as far as it goes (it was written before the publication of the essay that forms the basis of this article and in fact it is one of the few texts that explores the vital link between Walzer's just war theory and the moral theory laid out in *Thick and Thin*). However, Walzer has developed an important general theory of international justice. Just war is no longer his overwhelming focus in international affairs as the legalist paradigm and the war convention (however amended) are no longer the most relevant or adequate tools in world politics. These tools are used to fight a rearguard action against the break-up of the old order of world politics, a break up fostered by the actual mobility of people, businesses and their problems and the inability of the sovereign state system to deal adequately with this. Walzer acknowledges that war is still a big part of world politics but war (at least the old-style national war) is no longer the most significant interaction between states. On the back of these arguments Walzer has begun to focus his attention on the reform of the international system and the transcendence of the nation-state system.

²⁰ The important thing to note here is that Walzer reaches this position by starting at the opposite end of the theoretical continuum and still regards the position occupied by the cosmopolitans to be very dangerous.

²¹ M. Walzer, *Thick and Thin: Moral Arguments at Home and Abroad* (University of Notre Dame Press, 1994). M. Walzer, *The Company of Critics: Social Criticism and Social Commitment in the Twentieth Century* (Peter Halibran, 1989).

²² M. Walzer, *On Toleration* (Yale University Press, 1997), p. 87.

²³ B. Orend, *Walzer on War and Justice* (Cardiff: University of Wales Press, 2000), pp. 178–9.

Just and unjust wars: Walzer and the first degree of global pluralism.

In his paper ‘Governing the Globe?’ Walzer presents us with the image of a continuum of ideal types or models of international society.²⁴

The Continuum

From the left side →

UNITY: Global State/Multinational Empire/Federation\3rd degree\2nd degree\1st degree of global pluralism\Anarchy:DIVISION

← From the right side

On this continuum our current situation is most accurately modelled by the first degree of global pluralism, one step in from the right side and international anarchy. This is also where we find the Walzer of *Just and Unjust Wars*, the defender of non-intervention. Caricatured cosmopolitans favour a global state but most cosmopolitans, such as Beitz and Pogge, tend to favour the federation model, as did Kant.²⁵ Interestingly both Beitz and Pogge will, when pushed, accept something like the third degree of global pluralism model which is Walzer’s ideal (in the sense of best).²⁶ These opposing forces arrive at the same position from different sides of the continuum. This is not to say that any compromise is automatically possible. While their political prescriptions may be similar their disagreement at the level of theory is total. The cosmopolitans rely upon the strong Kantian idea that interdependence triggers our dormant obligations to the rest of humanity,²⁷ a position that has philosophical difficulties and tends to push them towards the stronger and, argues Walzer, more dangerous federative ideal.²⁸ But my point is that Walzer can be seen to share political ground with the cosmopolitans.

This, of course, is quite some claim. Walzer is more usually thought of as a defender of national self-determination, non-intervention and, most recently, a very thin but universal ‘moral minimum’ that serves principally to justify Walzer’s apparent communitarianism and statism. I have no quarrel with this as an interpretation of the main body of Walzer’s work. However, if we explore the character of his position here it becomes clear that the potential to move beyond the nation-state system was always present.

²⁴ Walzer, *Arguing About War*, p. 186.

²⁵ I. Kant, *Perpetual Peace and other essays in Politics, History and Morals*, translated by T. Humphrey (Indianapolis: Hackett, 1983).

²⁶ See, for example, Pogge’s vertical dispersment of sovereignty in ‘Cosmopolitanism and Sovereignty’, *Ethics*, 103 (October 1992), pp. 48–75.

²⁷ See my discussion of the cosmopolitanism of Beitz and Pogge in P. Sutch, *Ethics, Justice and International Relations: Constructing an International Community* (London, New York: Routledge, 2001), ch.2.

²⁸ Walzer, *Arguing About War*, p. 184.

The key to understanding the potential in Walzer's theory is the idea of reiteration, which finds its fullest expression in *Thick and Thin*. The idea of reiteration, or reiterative universalism, is extremely important in Walzer's moral theory as it is the vehicle by which we move (albeit temporarily in Walzer's first instalment of his IR theory) from particularism to universalism and therefore from international anarchy to the first degree of global pluralism. It is also the concept that leads him in his most recent work to argue for what he calls the third degree of global pluralism. Reiterative universalism can most readily be understood if we contrast it with covering-law universalism (and here covering law universalism is what we usually refer to when we talk of universalism). The reiterative way in which we arrive at the formulation of the universal law is distinctly communitarian. We abstract from the particular to the universal through repeated experience of shared political problems. Walzer argues, 'perhaps the end product of this effort will be a set of standards to which all societies can be held – negative injunctions, most likely, rules against murder, deceit, torture, oppression, and tyranny'.²⁹ This all sounds very optimistic but Walzer's initial position is not so up beat. He argues that the very thing that allows us to form these minimalist positions necessarily prevents them from developing into maximalist ones.

[r]eiterative universalism can always be given a covering-law form [...] But these are covering laws of a special sort: first, they are learned from experience, through a historical engagement with otherness [...] second, because they are learned in this way they impose upon us a respect for particularity.³⁰

Walzer does not believe that all agents make 'thick' or sustained assumptions and so his conclusions are casuistical rather than transcendental. In essence he argues that we do make such globalist assumptions but only in the context of international political crises and that we do not go on to incorporate these assumptions into the moral hierarchy of our everyday lives. The character of international society and the way we (as citizens of sovereign states) confront each other in the international sphere have historically limited the effectiveness of the reiterative process.

International Society, writes Walzer, is the most tolerant of all forms of society.³¹ This is not an expression of admiration but rather a consequence of the 'good fences make good neighbours' thesis.

Sovereignty guarantees that no one on *that* side of the border can interfere with what is done on *this* side. The people over there might be resigned, indifferent, curious, or enthusiastic with regard to practices over here, and so may be disinclined to interfere. Or perhaps they accept the reciprocal logic of sovereignty: we won't worry about your practices if you don't worry about ours. Live and let live is a relatively easy maxim when the living is done on the opposite side of a clearly marked line. Or they may be actively hostile, eager to denounce their neighbour's culture and customs, but unprepared to pay the costs of interference. Given the nature of international society, the costs are likely to be high: They involve raising an army, crossing a border, killing and being killed.³²

²⁹ Walzer, *Thick and Thin*, p. 10.

³⁰ Walzer, 'Nation and Universe', p. 515.

³¹ Walzer, 'The Politics of Difference: Statehood and Toleration in a Multicultural World' *Ratio Juris*, 10:2 (1997), p. 168. First published in R. McKim and J. McMahan (eds), *The Morality of Nationalism* (Oxford University Press, 1997).

³² Walzer, *On Toleration*, pp. 19–20.

International justice is not a Universalist ethic in the traditional sense. It is a product of recognition of a multiplicity of claims to justice as a series of family resemblances, a distillation of what it means to have a claim to justice. It is a consensus on a minimalist position that is not sufficient to guide our lives but that recognises each family resemblance for what it is, a glimpse of oneself in a totally separate 'other'.

We stand where we are and learn from our encounters with other people. What we learn is that we have no special standing; the claims that we make they make too [...] But it is a moral act to recognise otherness this way. If reiteration is, as I believe, a true story, then it carries in its telling the sorts of moral limits that are usually said only to come from covering-law universalism.³³

Nevertheless it is important to note 'that what is recognised is just this (partial) commonality, not the full moral significance of the other cultures. Most people most of the time do not see the others, in context, as carriers of value; most people are not pluralists'.³⁴ For Walzer cultural pluralism is a part of 'a thickly developed liberal politics'. Reiterative universalism in this first stage of the development of international society relies on something much weaker, on 'overlapping expectations' about the behaviour of others.³⁵

Walzer argues that in the contemporary international system 'rights are only enforceable within political communities where they have been collectively recognised ... the globe is not, or is not yet, such an arena. Or rather the only global community is pluralist in character, a community of nations, not of humanity'.³⁶ Yet for Walzer the concept of individual rights is also central to the minimalist morality created in response to the problems of international relations. These values are not good in themselves. Walzer argues that 'the value of minimalism lies in the encounters it facilitates, of which it is also the product. But these encounters are not – not now, at least-sufficiently sustained to produce a thick morality'.³⁷ Nevertheless Walzer believes that they both do important work in international politics. We develop a reiteratively universal standpoint to judge them from, a perspective from which a global ethics is a possibility and from where the right of sovereign powers to go to war or to act in certain ways towards their citizens in the name of *Raison d'état* is limited. If, at this point, we read Walzer's later insight back into his earlier work we must recognise that it is on this basis that Walzer develops the six propositions and five revisions that make up the Legalist Paradigm and later, in *Thick and Thin*, states his case for the centrality of a 'thin' version of human rights. Interpreting his struggle to reconcile universalism and particularism in this way and viewing it as his response to the early criticisms of his ethical theory, provides a compelling reason to review his early argument and offers the basis for a critical grasp of his most recent work.

These rules are constructed from within our social context and while they may be framed as 'covering-laws' they are historically conditioned and certainly not sufficient to mould a maximalist account of international ethics. The rights to life

³³ Walzer, 'Nation and Universe', p. 527.

³⁴ Walzer, *Thick and Thin*, p. 17.

³⁵ Ibid.

³⁶ Walzer, 'The Moral Standing of States: A Response to Four Critics', in *Philosophy and Public Affairs*, 9:18 (1980), p. 222.

³⁷ Walzer, *Thick and Thin*, pp. 18–19.

and liberty are, however, based on a commonly held perception (or a family of perceptions) of what it means to be a human being. Nations (domestically) and states (in the international sphere) are products of moral and political reasoning and producers of moral and political reason, the fount of our understandings of the moral reality of international politics. In an uncharacteristically optimistic moment Walzer outlines the full range and derivation of his international theory and it is worth quoting him at some length here:

These two arguments—first for what might be called the moral usefulness of the (nation-)state and the solidarity it generates, and second for the possible legitimacy of the citizenship/ethnicity or citizenship/culture connection—do not commit those who accept them to resign themselves to the ‘drastic inequalities’ of international society. They only require that the fight against those inequalities begin within existing political communities and that it aim at the progressive expansion, but not the abolition, of existing solidarities [...] They embody [...] the admission of refugees to full citizenship; increased foreign aid, economic unification, and cooperation across borders; multilateral political, and if necessary, military interventions for humanitarian purposes; extensions of sovereignty to stateless persons; experiments in regional devolution and transnational agency. And the motive for all this can only be the hope of ordinary people in their diverse national, religious, and political communities for their own survival and well being, and for that of their neighbours, under conditions of peace and justice.³⁸

Walzer’s method does not have the capacity to demand these reforms in world politics but he is suggesting that these actions are already considered a part of the necessary framework for international survival and well-being. His reiterative universalism is intended to describe the basic reasons that can be given for this recognition and Walzer’s optimism grows in his most recent work.

Despite this optimism Walzer is still firmly of the opinion that international society is still limited to this first degree of global pluralism. The nation-state (or religious republic) is where and how most groups would prefer to be tolerated. Peoples, particularly those who are under threat, culturally or politically, aim for sovereignty ‘with governments, armies, and borders, co-existing with other nation-states in mutual respect.’³⁹ For those seeking a kind of political sanctuary this makes historical and political sense. But for those of us who seek international justice the current organisation of international society causes more problems than it solves. This tension is not just a tension in Walzer’s theory; it is not Walzer the communitarian theorist versus Walzer the bleeding heart academic. This tension characterises our experience of world politics. What Walzer offers is a case for the development of international society beyond the nation-state system (and beyond the UN system of international politics that is not so far removed from this model) that recognises the appeal of national sovereignty as well as its intrinsic dangers. The crux of the issue can be set out as follows. We have learned that we must respect the integrity of sovereign peoples yet we have also learned, or at the very least are beginning to learn, that sovereignty necessarily establishes illegitimate moral and political boundaries. It is often the case that the intolerable is, by structurally encouraged act and omission, tolerated in international society.

³⁸ M. Walzer, ‘Response to Veit Bader’, *Political Theory*, 23:2 (1995), p. 249. Here Walzer is responding to Bader’s demand for large scale economic redistribution and open borders.

³⁹ Walzer, ‘The Politics of Difference’, p. 168.

Walzer recognised this problem early on in his career and this is why the issues surrounding intervention have been so important to him. I do not want to explore Walzer's theory of legitimate intervention here. His views here are well known and, in any case, such an exploration would take us away from our principal concern in this article. What I do wish to examine is Walzer's understanding of the constitutive norms of international society that once prioritised strict adherence to the principle of self-determination (as a matter of practical ethics) but now criticise such prioritisation. The moral problem that seems to weigh heavily upon contemporary world politics is that while:

[a]cts or practices that "shock the conscience of mankind" are, in principle not tolerated [...] Humanitarian intolerance is not usually sufficient to override the risks that intervention entails, and additional reasons for intervening – whether geopolitical, economic, or ideological – are only sometimes available.⁴⁰

It is the weakness of international political structures in the face of reiteratively established norms, or thin, minimalist principles that leads Walzer to advocate a renovated international society capable of supporting the third degree of global pluralism.

Reiterated norms and the case for the third degree of global pluralism.

Characteristically Walzer's reiterated moral minimum is very thin. Essentially this is because Walzer was so wary of the intellectual hegemon that is liberal cosmopolitanism and the 'tyrannical potential' of powerful political regimes who offer aid in return for imitation. This concern is still a significant part of Walzer's thinking and the reason why he resists all pressure from the left side of his continuum of international societal models.⁴¹ The key to Walzer's new international relations theory, his argument in favour of finding political expression for a sustained moral minimum (a major move away from the typical Walzerian position), lies in the reiterated recognition that the nation-states system simply cannot deal appropriately with the crises it faces. The system has come under sustained pressure from all sides. It is clear to us that the existing system of semi-impervious political boundaries is unhelpful. Border disputes, wars of secession, civil wars, ethnic cleansing; these are very familiar consequences of the current division of the world's territories. We might not know what to do about Rwanda, Eastern Europe or Palestine but we are aware that the nation-building projects that have forged these conflicts are part of the problem rather than part of the solution. From the opposite direction the globalisation of the world's economy and migration, in all its political and economic forms, is calling into question the utility and the justice of the nation-state system. Again, the issues are huge but we can be sure that nation-building (in both the territorial sense and the sense in which Kymlicka articulates the formation of national identity)⁴² is unhelpful. That this is a position that can be ascribed to Walzer would undoubtedly come as a shock to many of Walzer's critics.

⁴⁰ Walzer, *On Toleration*, p. 21.

⁴¹ Walzer, *Arguing About War*, pp. 184–5

⁴² See, for example, Kymlicka and Opalski (eds), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic relations in Eastern Europe* (Oxford University Press, 2001), ch.1.

Let me unpack this last paragraph a little. The concept that is doing all the work here is still moral reiteration. The way that Walzer presented this idea in *Thick and Thin* stressed the temporary and casuistical nature of the moral minimum. We make urgent moral judgments in times of great crisis. Over time we develop a stock of reiterated judgments that we use to deal with each crisis as it arises. However we do not incorporate such judgments into the thick moral fabric of our everyday lives. The reason we do not incorporate these judgments into our moral maximalisms stems from two inter-related roots. Firstly we are only called upon to make these universal moral judgments in unusual circumstances. The most sustained range of international judgments we make have related to the just cause and conduct of war. The relative thickness of the legalist paradigm and the war convention stand as testimony to this.⁴³ The decisions we make here are relevant only to an extreme situation and are therefore of limited use to us in the conduct of our everyday lives. Even the very thin universal moral principles, ‘the right to life and liberty’ upon which the legalist paradigm is predicated find better expression in our separate moral maximalisms.

[t]he minimal demands we make on one another are, when denied, repeated with passionate insistence. In moral discourse, thinness and intensity go together, whereas with thickness comes qualification, compromise, complexity and disagreement.⁴⁴

The reason these principles find better expression in our thick everyday lives is related to the second point. The political context in which we make these decisions is very different from the context in which we live our everyday lives. Historically we have chosen to value our separate ways of life by privileging the principles of sovereignty and non-intervention and the sorts of moral and political judgments we make in international politics are contorted to fit this model. Again we would make different and more effective decisions in our everyday lives, decisions that simply could not be entertained in international politics. But this is changing. Or at least this is what Walzer must be claiming if his new IR theory is to hold water. The sorts of crisis that we find intolerable and impelled to act upon are becoming (or have become) a fixture in our political lives and the political constitution of international society has adapted to the point where the basic assumptions of sovereignty, non-intervention, self-determination and of the anarchical society do not make sense of our moral and political commitments. In short, we have reiterated and shared reasons for needing to change the shape of world politics. The key interpretative claim that I am making here is that the temporary, casuistical and reiterative process of norm construction has itself developed as the constitutive context of world politics has changed. The underpinning of Walzer’s most ambitious essay suggests that these thin moral universals have become, or are becoming, freestanding – a part of our ‘common human reason’ providing autonomous moral reasons that transcend their origins.⁴⁵ The suggestion is that this marks the evolution of Walzer’s particularist account of universalism rather

⁴³ See Walzer, *Just and Unjust Wars*, especially chapters 3 and 4.

⁴⁴ Walzer, *Thick and Thin*, p. 6.

⁴⁵ The phrase is David Reidy’s see D. Reidy, ‘Political Authority and Human Rights’ in R. Martin and D. Reidy (eds), *Rawls’s Law of Peoples: A Realistic Utopia?* (Blackwell, 2006), ch. 10. I would particularly like to thank a reader for *Review of International Studies* for generous and critical comments that led to me presenting the argument this way.

than a departure from it and offers vital lessons for a communitarian account of international ethics.

An argument of this sort would not, I think, be a new departure for Walzer. Indeed I think he underplayed the potential of the reiterative process in his earlier work. He underplayed its potential because he wanted to highlight the fact that we need to let it happen in its own time. Forcing the issue corrupts the reiterative process. The image of the social critic in Walzer's earlier work is that of a person who is 'hanging in there'⁴⁶ waiting for the appropriate moment to steer international society towards a brighter future. For Walzer this is the pattern that political morality takes.

If principles determine decisions, decisions in turn modify and refine principles: This is the way that both law and morality change over time. And in this process it is not only the judgment of authoritative decisions that count but [the judgment of all citizens].⁴⁷

Walzer's claim must be that now the time is right to begin to steer international society towards a new political constitution. This claim is predicated on a reading of international politics that claims that the way the peoples of the world confront one another in this now politicised arena has changed significantly over time. Most importantly Walzer's argument is that neither the nation-state (the most intolerant of all societal structures)⁴⁸ nor international society as currently constituted (the most tolerant) are practical or just enough for our contemporary international political needs. This argument must be predicated on the claim that our thin, reiteratively universal understanding of human rights to life and liberty has thickened up in significant ways to become a key part of our moral justificatory framework.

Statehood and toleration in a multicultural world.

For Walzer the modern project can be characterised as the search for 'collective toleration', which incorporates a struggle for boundaries.

The crucial slogan of this struggle is 'self determination', which implies the need for a piece of territory or, at least, a set of independent institutions – hence, decentralization, devolution, autonomy, partition, sovereignty. Getting the boundaries right, not only in geographic but also in functional terms, is enormously difficult, but it is necessary if the different groups are to exercise significant control over their own lives and to do so with some security.⁴⁹

The key to this project, and the key to all of Walzer's political theory up until his most recent work, is the need to recognise that membership in specific groups is the basis of life in a differentiated world. In this model the nation-state is the core unit. The nation-building projects that fostered this development have given this, the most intolerant of political structures, the central role in our domestic lives and have also given rise to the nation-state system in international politics which

⁴⁶ Walzer, *The Company of Critics*, p. 229.

⁴⁷ Walzer, *Thick and Thin*, p. 101.

⁴⁸ Walzer, *On Toleration*, pp. 24–30.

⁴⁹ Walzer, 'The Politics of Difference', p. 175.

Walzer characterises as the most tolerant (indeed as far too tolerant). As the key to Walzer's 'communitarianism' and as the key to a description of how modern politics has developed I find this position compelling. However just as compelling is Walzer's claim that both the intolerance of the nation-state and the super-tolerance of the nation-state system of international politics have outlived their usefulness; that the modern project is drawing, or should be drawing to a close.

This argument rests on a strong claim about the ways in which we confront others at a national, regional and international level. At the national level states are increasingly coming under pressure from within and pressure from without. From the inside the disturbingly random way in which geopolitical boundaries have been drawn has led to secessionist movements and ethnic conflict. From the outside immigrant pressure, from the fall-out from these conflicts and from the increased economic need for mobility, has, Walzer suggests, led to the increasing recognition that the nation-state has practical limitations. It seems that intolerance has become, in many vital ways, intolerable. Non-intervention makes no sense in light of our intolerance towards ethnic cleansing. Nation-building (again in Kymlica's sense which Walzer adopts for his description)⁵⁰ makes no sense of, or rather cannot make full sense of, our experience of the world.

In immigrant Societies (and also now in nation-states under immigrant pressure), people experience what we might think of as a life without boundaries and without secure or singular identities. Difference is, as it were, dispersed, so that it is encountered everywhere, everyday. The hold of groups on their members is looser than it has ever been. And the result is a constant intermixing of individuals, intermarriage, and a literal multiculturalism, instantiated not only in the society as a whole but in each and every individual. Now tolerance begins at home, where we often have to make ethnic, religious, and cultural peace with our spouses, in-laws, and children – and with our own ambiguous (hyphenated or divided) selves.⁵¹

This blurring of the basic principles of national membership has developed alongside repeated or reiterated encounters with a burgeoning international society. In dealing with refugee crises, or catastrophes such as the Kosovo conflict, or a rapidly developing international civil society, we have developed 'a plurality of international political and financial organisations, with a kind of authority that limits but does not abolish sovereignty.'⁵² An international society with nation-states existing next to international organisations such as the UN, the World Bank, the IMF and the WTO is familiar to us all as are its limitations. As Walzer notes:

The global organisations are weak; their decision making mechanisms are uncertain or slow; their powers of enforcement are difficult to bring to bear and, at best, only partially effective. Warfare between or among states has been reduced but overall violence has not been reduced. There are many weak, divided, and unstable states in the world today, and the global regime has not been successful in preventing civil wars, military interventions, savage repression of political enemies, massacred and ethnic cleansing aimed at minority populations. Nor has global inequality been reduced.⁵³

⁵⁰ Walzer, 'Nation-States and Immigrant Societies' in Kymlica and Opalski (eds), *Can Liberal Pluralism be Exported*, pp. 150–3.

⁵¹ Walzer, 'The Politics of Difference', p. 175.

⁵² Walzer, *Arguing About War*, p. 182.

⁵³ *Ibid.*, p. 179.

The reiterated facts of international politics are that the globalist institutions of international society are too weak and that retreat into the nation-state is not the solution. With these reiterations come others. The ‘ultra-minimal’ rights to life and liberty arose through repeated encounters with separate ‘others’ in world politics. We did not incorporate any ‘thick’ understanding of these rights in our moral maximalisms because of the way they arose. It seems that this minimalist universalism found its best expression in a very thin account of human rights in IR and, in a vast plurality of ways, in our separate moral maximalisms. But the logic of the reiterative process does not stop here. Once established in the moral consciousness of international society these principles become more than the recognition of some ‘partial commonality’ in a totally separate ‘other’; they become a critical tool. The consequence of this is that we come to recognise that our thin, but intensely important, moral minimum no longer finds adequate expression in membership of a sovereign nation-state in a loose international society.

Walzer’s theoretical and political shift to globalism and universalism is extraordinary. But we must not over-egg the pudding. It must be noted that this reiterative process is not simply a matter of unilinear progress. What Walzer calls, somewhat guardedly, his post-modern project has not superseded the modern project. Rather:

The one is superimposed on the other, without in any way obliterating it. There are still boundaries but they are blurred by all the crossings. We still know ourselves to be this or that, but the knowledge is uncertain, for we are also this *and* that. Strong identity groups exist and assert themselves politically, but the allegiance of their members is measured by degrees, along a broad continuum, with larger and larger numbers clustered at the farther end (which is why the militants at the near end are so strident these days).⁵⁴

The argument is not that we have abandoned the categories of *international* relations, or that we universally acknowledge that the values of membership, sovereignty and non-intervention are now defunct. While the ‘solid lines on the old cultural and political maps are turned into dotted lines [. . .] coexistence along and across those lines is still a problem.’⁵⁵ But Walzer’s universal morality does, he argues, offer arguments that underwrite an international society that ‘would bring many of the advantages of a global federation but with greatly reduced risk of tyranny from the centre.’⁵⁶ To appreciate the monumental shift in Walzer’s political argument, consider the following description of his ideal form of international society:

So the third degree of global pluralism requires a United Nations with a military force of its own capable of humanitarian interventions and a strong version of peacekeeping – but still a force that can only be used with the approval of the Security Council or a very large majority of the General Assembly. Then it requires a World Bank and IMF strong enough to regulate the flow of capital and the forms of international investment and a World Trade Organization able to enforce labor and environmental standards – all these, however, independently governed, not tightly coordinated with the UN. It requires a World Court with power to make arrests on its own, but needing to seek UN support in the face of opposition from any of the (semi-sovereign) states of international society. Add to these organizations a very large number of civic associations operating internationally, including

⁵⁴ Walzer, ‘The Politics of Difference’, p. 175.

⁵⁵ *Ibid.*, p. 176.

⁵⁶ Walzer, *Arguing About War*, p. 186.

political parties that run candidates in different countries' elections and labor unions that begin to realize their longstanding goal of international solidarity, as well as single-issue movements aiming to influence simultaneously the UN and its agencies and the different states. The larger the membership of these associations and the wider their extension across state boundaries, the more they would knit together the politics of the global society. But they would never constitute a single centre; they would always represent multiple sources of political energy; they would always be diversely focused.

Now add a new layer of governmental organization – the regional federation, of which the European Community is only one possible model. We can imagine both tighter and looser structures (but tighter is probably better for the control of global markets and multinational corporations), distributed across the globe, perhaps even with overlapping memberships: differently constituted federal unions in different parts of the world.⁵⁷

The key, for Walzer, is 'to create a set of alternative centres and an increasingly dense set of social ties that cross state boundaries'.⁵⁸

Conclusion

The purpose of this article is to suggest that the way in which Walzer reaches his conclusions, the way he is able to deal with the changing circumstances of international politics, offers more to current debates than is usually acknowledged. His particularist universalism offers a genuine and important alternative to covering-law or liberal universalism in international ethics. It is important because it offers a place to moral and cultural pluralism and to universal morality. It is not the case that we can have either globalism or cultural and political diversity. With Walzer we can have both. Walzer's 'reiterative universalism' is one of the most promising theories within the particularist tradition of moral and political philosophy. In a world characterised by a multiplicity of ethno-cultural traditions that are expressed in wide variety of social contexts we are much better placed to understand what has happened and what should happen in international politics if we think about universalism in reiterative terms. As Walzer puts it 'why should we value human agency if we are unwilling to give it any room for manoeuvre and invention'.⁵⁹ Understanding that the development of universal moral and legal principles *entails* a respect for key aspects of community and sovereignty really offers a way through the impasse that has characterised much contemporary normative IR theory.

There is another reason for thinking again about Walzer's account of universal justice and that is the way in which his political theory has the ability to connect to debates in international studies. One of the key debates about the future of global governance concerns the ways in which we want international law to structure international politics. Do we want the UN to be able to police restrictions on the use of force more adequately? Do we want the Security Council to develop our collective capacity for humanitarian intervention? Do we want the International Court of Justice and the International Criminal Court to have compulsory jurisdiction? Do we want to hold all world organisations up to human rights

⁵⁷ Walzer, *Arguing About War* p. 187–8.

⁵⁸ *Ibid.*, p. 186.

⁵⁹ Walzer, 'Nation and Universe', p. 523.

standards? Or, conversely, do we want to limit the remit of international law and institutions to preserve the sovereignty of states? These are moral questions but they are also political and thus legal and institutional questions. The legal and political debates are cast in terms of developing norms,⁶⁰ institutional and legal process⁶¹ and the relevance of soft law.⁶² Walzer's normative theory can connect to these debates in a way that cosmopolitanism (despite the best efforts of Fernando Teson and Allen Buchanan)⁶³ cannot. The institutional and legal debates have been working to recapture the normative side of these key debates (much in the same way that IR has returned to the consideration of ethical issues in recent years) and Walzer's theory also has the potential to connect with and augment the normative element of constructivist IR theory. In Walzer's account of the reiterative social construction of moral norms that reinforces 'a respect for particularity' we find important links with Adler's recognition that:

Constructivism is not only a sociological critique of rational choice approaches or a synonym for norm-oriented research, but also the epistemological and ontological foundation of a reformulated IR 'communitarian' approach. This approach does not herald the end of the nation-state or underscore the unimportance of individuals and agency in international life. Rather, it argues that what mediates between state, individuals, and human agency on the one hand, and social structures and systems, on the other, are communities of practise. (Adler 2005:14–15)

Walzer, while offering an account of international justice that is, as we have seen, progressive, allows his moral theory to speak the same language as those whose normative theory needs to address if we are to make any real progress.

The purpose of presenting the more progressive side of Walzer's political theory is not merely to raise academic eyebrows or to deny the importance of Walzer's contribution to just war theory. Indeed the reason why Walzer's account of the principles of just war theory is so important is precisely because it is not merely a description of the *status quo*. His views on the military ethics are linked to his broader account of human rights and international justice. The reason that the liberals who championed human rights discourses as an alternative to the casuistical language of just war theory criticised him so heavily was that they could not see this link. The simple fact is that international politics needs both and any

⁶⁰ See the work of social constructivists such as M. Finnemore and K. Sikkink, 'International Norm Dynamics and Political Change', *International Organization*, 52 (1998), pp. 887–917, J. Bruneau and S. Toope, 'International Law and Constructivism: Towards and Interactional Theory of Law', *Columbia Journal of Transnational Law*, 39:19 (2000), or F. Kratochwil, *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989).

⁶¹ See liberal institutional theory such as A. Slaughter, 'A Liberal Theory of International Law' *Proceedings of the American Society of International Law*, 94 (2000), or R. Keohane, *Power and Governance in a Partially Globalized World* (London, New York: Routledge 2002), and the second wave of legal process theory led by H. Koh, 'Why do Nations Obey', *Yale Law Journal*, (1996), p. 2599.

⁶² The place of norms that are part of legal discourse but not formally law is found in much legal theory and in a range of traditions and it is here that Walzer has much to offer. See, for example, C. Chinkin, 'The challenge of soft law: Development and change in International Law', *International and Comparative Law Quarterly*, 38:4 (1989), pp. 850–66 or K. Abbot and D. Snidal, 'Hard and Soft Law in International Governance', *International Organization*, 54 (2000) pp. 421–56.

⁶³ F. Teson, *A Philosophy of International Law* (Westview Press, 1998), A. Buchanan, *Justice, Legitimacy and Self-Determination: Moral Foundations of International Law* (Oxford University Press, 2004).

theory that sees them as mutually exclusive is not fit for purpose. Walzer, I have argued, can provide both and speak of human rights and global justice to actors who still cherish sovereignty but are tentatively engaging in the discourses of humanitarianism and justice.