

International Political Theory in 2007: Part I

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This issue of *The IPT Beacon* results from a survey of all journal articles on themes of international political theory published between January and June 2007 - that's nearly 60 articles found among around 50 journals. Given that we have included just three specially featured articles, I have decided to comment a little more expansively than has been past practice on the wider range of articles published during this period.

1. Where is the cutting-edge?

The IPT Beacon was founded with the aim of monitoring and presenting work at the contemporary *cutting-edge* of international political theory. This does not mean that we are exclusively interested in identifying work that is *agenda-setting*, since a worthwhile agenda, once set, needs to be carefully worked through. Nevertheless, as a given agenda is debated, the scope for decisively new perspectives inevitably reduces.

One of IPT's central preoccupations, and for reasons that are no less pressing now than they ever were, is the question of global distributive justice. Much debate centres on whether a cosmopolitan position should be adopted, and if so, what principles it should commend. Key terms of this debate were set by Charles Beitz's *Political Theory and International Relations*. This seminal work was written in the 1970s, before those in the rising generation of IPT scholars were born. The argument advanced by Beitz that continues to be most debated is that the principles of justice proposed by John Rawls for application within a modern nation-state should also be applied globally. Rawls's account of justice is of course widely regarded - certainly in the anglophone world - as the most significant contribution to political theory of the twentieth century. But its development dates back to the 1950s. Even the arguments that Rawls was to expand a little in his relatively recent book *The Law of Peoples* were originally sketched in their essentials many years before.

The world has changed a good deal in the decades since the ideas referred to had their gestation. It is these changes that have spurred the burgeoning interest in *international* political theory in these first years of a new millennium. Yet when surveying the literature of the review period the impression is that much contemporary IPT is responding more to those earlier arguments than to assessments of current global circumstances. I am speaking here of the literature on global justice, rather than that on war and intervention which does more clearly reflect the need to develop normative understandings of recent and current events. And even within the field of global justice there are important exceptions - as previous 'snapshots' have highlighted - but in the tranche of literature reviewed in this they are rather few. So it seems worth asking whether contemporary IPT may be missing something.

In a thought-provoking piece, **Chris Brown, 'Tragedy, "Tragic Choices" and Contemporary International Political Theory'** [*International Relations*, 21(1), (2007): 5-13] suggests that what contemporary analytical IPT may be missing is a tragic sense. Tragedy, he writes, 'involves a situation where duties are in radical conflict, such that whatever is done will involve wrongdoing' (9). Most international political theorists who have addressed issues such as intervention, human rights or global justice, and especially cosmopolitans in the analytical tradition, he writes, 'find no place for the notion of tragedy in their work, and this, I believe, works to their disadvantage at a number of levels.' (6) Brown does not elaborate on these disadvantages in this short article, but he indicates the focus of his dissatisfaction. It is particularly that style of analytical political theory 'which involves an extraordinary, at times painfully detailed, attention to the importance of constructing unbreakable chains of close theoretical reasoning, with the intention of providing an absolutely airtight account of the problem in question.' (6-7) In such work he finds no acceptance of the inevitable inadequacy of attempts 'to cope with the untheorisable complexities of human existence.' (7) Brown thinks it can readily be shown that there are genuine tragedies in the fields of humanitarian intervention and, if less dramatically, global poverty relief. Those sympathetic to his suggestion may consider it to be more evidently compelling in the former case than the latter, where the two kinds of issue are separable. Those less sympathetic might argue that what Brown's illustrations point to is the existence of moral complexity and hard choices; arguably, what the targets of his criticism attempt is to unravel that complexity and reveal the terms of the choices. Indeed, where there are problems in the world, there is good reason to seek to exhaust every possible avenue for resolving them rather than too quickly embrace a sense of tragic inevitability.

But there remains a separate aspect of Brown's criticism: 'The sense that, in point of fact, the world's problems can be solved at no great cost to anyone is a common theme of a great deal of cosmopolitan writing.' (10) A sense of the tragic might provide one antidote to this kind of hubris. Arguably, intellectual consistency might do the same job. For instance, Brian Barry is credited by Brown for his acknowledgement that people in the West will have to accept radical cuts in their living standards in order to meet the requirements of global justice. Arguably this is a (very) hard choice rather than a tragic one, in Brown's sense of involving a choice between two wrongs.

Yet however it is framed, it seems there is a point here to heed. It is one thing to emphasise the achievability of a worthwhile goal when such appears to be the case. For instance, **Gopal Sreenivasan**, '**Health and justice in our non-ideal world**' [*Politics, Philosophy & Economics*, 6(2) (2007): 218-236] suggests that viewing well-being in terms of an individual's health status makes it relatively easy to establish that rich countries at least have an obligation to transfer 1 percent of their GDP to poor countries. If properly targeted at the fundamental determinants of health in developing countries, this transfer would very plausibly yield a disproportionate 'bang for the buck' in terms of individual well-being. Thus the obligation can be both light enough in its burden on the rich to avoid being 'too demanding' and yet also bountiful in its effects. But even if such specific goals were to be fulfilled, this would not necessarily mean that the larger ambitions of global justice would be, if these are taken, as they generally are by cosmopolitans, to include the eradication of global poverty. To eradicate a problem means getting to its root, and there is room to doubt that the root of the problem is fully exposed with the suggestion that overall the rich are 1% richer than they ought or need to be. While in no way disparaging attempts to urge governments (and the citizens who authorise them) to make relatively small steps that yield significant benefits to the worst off, such steps should be seen for what they are, namely, elements of assistance in the face of what cosmopolitans generally perceive as massive injustices, not the eradication of such injustice itself. I suspect Brown is right in emphasising that this much greater ambition would mean contemporary theorists of global justice squaring up more fully to the hard choices the current generation faces.

To take an example, when contemporary political philosophers argue for a global extension of Rawls's difference principle, they seldom ask a simple question: If this principle is supposed to operate so that the affluent are incentivised to maintain economic growth provided that the poor can benefit too, and all this is subject to a "just savings principle" to boot, how is that growth in fact going to be maintained, let alone something saved, when the consequences of economic growth

to date are already - as is now, belatedly, recognized - threatening the very biophysical basis of human life on this planet?

The question as posed is of course an empirical one, and normative political philosophers do not establish socio-economic facts. But they do choose the empirical presuppositions which give meaning and application to their theories. Rawls, for instance, when unfolding his theory of justice, expressly assumed that persons who deliberate competently about principles of justice 'know the general facts about human society', 'understand political affairs and the principles of economic theory' and 'know the basis of social organization' [John Rawls, *A Theory of Justice*, Oxford University Press (1971): 137]. In the domestic context of a modern democratic state with a relatively stable socio-economic order such an assumption may have appeared quite serviceable. But what comparable assumption about taken-for-granted knowledge and understanding can we make in the global context? For instance, should we choose to assume that continued economic growth, on the part of the West, plus all the developing countries, is possible indefinitely without causing any serious ecological disruption that would undermine its advance? Or should we choose to be sceptical about that possibility? If ought implies can, then the choice of assumption here does make a difference to normative theorising about what ought to be done.

One article that picks up on this general question is not written by political theorists, and in their normative analysis this rather shows. But they set out some issues that merit the attention of specialists in normative theory. **J. Timmons Roberts and Bradley C. Parks**, '**Fueling Injustice: Globalization, Ecologically Unequal Exchange and Climate Change**' [*Globalizations*, 4(2) (2007): 193-210] focus on the idea, unfamiliar to liberal political theory, of 'ecologically unequal exchange'. They highlight studies which track the flow of materials and energy in the global economy between developed and developing countries. These reveal that 'what within the system of prices appears as reciprocal and fair exchange masks a biophysical inequality of exchange in which one of the partners has little choice but to exploit and possibly exhaust his natural resources and utilize his environment as a waste dump, while the other partner may maintain high environmental quality within its borders.' (Giljum quoted at 197) Indeed, 'many developing countries traditionally seen as successful, export-oriented economies are suffering huge unrecorded (economic and ecological) losses' (198). Meanwhile, as the European Union, for example, 'maintains balanced external trade relations in monetary terms with all other major regions of the world, it runs an enormous trade deficit in physical terms' (198). 'Primarily due to the import of fossil fuels, semi-manufactured products, and abiotic raw materials, the EU imports - in physical terms

- more than four times what it exports. Yet [its] exports have a money value of 4 times that of imports.' (198) Even supposing that such disparities could be accounted for by reference to European efficiency, innovation and well-orderedness, the question remains, if the major newly industrialising countries are to emulate these virtues, where the necessary resource base is going to come from.

2. Liberal theories of global justice

To date, most international political theorists have not been very explicit about where they stand on such questions, or whether they accept or deny the cornucopian presumption. In the literature under review, there is one author who does. **Loren E. Lomasky**, in '**Liberalism Beyond Borders**' [*Social Philosophy and Policy*, 24(1) (2007): 206-233], states baldly that 'The world's wealth is not zero-sum, and thus to consume more is not to visit a harm on those who consume less.' (214) Problems of poverty are due to incompetent and corrupt regimes. If rich states have some responsibility for global injustices, it is not due to 'insufficient zeal in applying the difference principle beyond borders. Rather, the flaw is rooted more deeply in a transgression against the grounding theory of liberalism: denial of equal liberty to those with whom one transacts.' (208) So, it emerges, the solution is the complete opening of borders to free trade and movement of people within a framework of rule of law that provides well-defined property rights. Thus while others are preoccupied with how Rawlsian liberalism provides principles of distributive justice that stop at states' borders, Lomasky argues that the deep structure of liberalism is actually friendly to a global outlook (206). The universalist strand which lies latent in liberal philosophy was always there; it only needs to be put into practice with a more complete liberalizing of the world market. While it may be questioned whether Lomasky takes due account of argument and evidence that would challenge his various theses, his article has at least the merit of being explicit about what a distinctively liberal theory of international justice might look like.

Many would doubtless contend that Lomasky's libertarian view is not actually liberal at all, or at least not a view of liberalism one needs to accept. And yet is there a comparably clear alternative view of liberal theory's political economy?

For the most part, contemporary cosmopolitan theorists conceive of cosmopolitan justice as a globalisation of liberal principles. For instance, **Anthony J. Langlois**, '**Human Rights and Cosmopolitan Liberalism**' [*Critical Review of International Social and Political Philosophy*, 10(1) (2007): 29-45] confirms that 'much of what goes by the name of contemporary cosmopolitanism is liberalism envisioned at the global level.' (29) His central argument is that this vision can only be coherent if liberalism is clear that its core values do not mean it has to be tolerant

of all conceptions of the good. But what are liberalism's core values? Expressed in terms of human rights, 'the principal commitments of liberalism and cosmopolitanism are to the individual' (42). Affirming a basic liberal right to own private property as a way of protecting the individual, he considers it is also important in the liberal tradition that individuals who have less as a consequence of economic structures should also be protected from the power of those better situated by virtue of their private property rights. He conceptualises the tension here as one between political liberals, who 'have a focus on the commonwealth, the common good', and economic liberals whose focus on individual self maximization translates into a concern about market advantage. (34) What is distinctive about political liberalism, then, is a kind of commitment that economic liberals would struggle to recognize as liberal at all. The economic doctrine of a Lomasky is disavowed, but no definite alternative is affirmed.

I think Langlois's view fairly reflects that of many liberal cosmopolitans. And he goes part of the way to recognizing why it might be thought problematic. At any rate, he says he understands 'why globalization has, for much of the world beyond the West, rather taken the shine off what they perceive "liberalism" to be.' (35) But I'm not sure this understanding comes through fully. 'The whole point of being a cosmopolitan,' he writes, 'of making an allegiance to human rights, is to declare a commitment to putting a particular set of values in place - and it is manifestly to create a stir where others do not agree with those values. This bolshiness is not something for which cosmopolitans should feel the need to apologise.' (42) Yet opponents of liberalism may think it ill behoves its advocates to be bolshy about their non-negotiable values while remaining unforthcoming about their economic presuppositions and commitments. They would have reason to at least pose the question whether liberalism is credited with too much that is good when it seems to be absolved from things that are not. But the critical question whether cosmopolitanism really is best thought of simply as liberalism more fully developed is one few IPT scholars so far seem ready to take on.

Meanwhile, debate continues within the given frame.

3. The relationship between (distributive) justice domestically and globally

Several articles in our survey broadly defend the position of Rawls in *The Law of Peoples*. **David A. Reidy** in '**Global Economic Justice: In Defense of Rawls**' [*Journal of Ethics* 11(2) (2007): 193-236] develops his challenge to the view prevailing amongst cosmopolitans that what Rawls says in *The Law of Peoples* regarding global economic justice is inconsistent with his own liberal egalitarian commitments and an unacceptable defense of the status quo. Rawls's position on

global justice, Reidy argues, is more nuanced and compelling than his critics acknowledge, even if it still requires some adaptation. Likewise, **Mitchell Avila**, ‘**Defending a Law of Peoples: Political Liberalism and Decent Peoples**’ [*Journal of Ethics*, 11(1) (2007): 87-124], while modifying Rawls’ position on certain points, defends overall the theoretical completeness of political liberalism and argues that a law of peoples provides reasonable principles of international justice. **Burleigh T. Wilkins**, ‘**Principles for The Law of Peoples**’ [*The Journal of Ethics*, 11(2) (2007): 161-175], also works within the framework of *The Law of Peoples* to argue for a lexical ordering of the eight principles there enumerated by Rawls.

As an alternative to a Rawlsian approach, **Pablo Gilibert**, ‘**Contractualism and Poverty Relief**’ [*Social Theory and Practice*, 33(2) (2007)], argues that T.M. Scanlon’s contractualism provides a promising way of conceiving the demands of poverty relief because of its capacity for grounding a compelling connection between individuals’ moral reasons and concerns about larger injustices. Approaching the matter from the standpoint of the rationality of individual moral agency, **Caspar Hare**, ‘**Rationality and the Distant Needy**’ [*Philosophy and Public Affairs*, 35(2) (2007): 161-178] argues against the view that we are under a duty to rescue a child from a shallow pond but not under a duty to rescue a distant stranger. Hare’s point is that the view is irrational in so far as it leads to intransitive preferences. In the same journal, **Andrea Sangiovanni**’s ‘**Global Justice, Reciprocity, and the State**’ [*Philosophy and Public Affairs*, 35(1) (2007): 3-39], is in many ways an impressive article, which attempts to provide a new account of how a cosmopolitan can consistently hold that different principles of distributive justice apply domestically and globally. Although this long article is finely crafted and often insightful, it is premised on a novel distinction between ‘relational’ and ‘nonrelational’ conceptions of justice which is rather briefly sketched.

Some different perspectives on cosmopolitanism are offered in the *International Politics* special issue on ethics in world politics. **Toni Erskine**, ‘**Qualifying Cosmopolitanism? Solidarity, Criticism, and Michael Walzer’s “View from the Cave”**’ [*International Politics*, 44(1) (2007): 125-147] explores the neglected implications for IR of Walzer’s wider oeuvre - beyond his just war theory - for developing an ‘embedded cosmopolitanism’. **Andrew Linklater** ‘**Distant Suffering and Cosmopolitan Obligations**’ [*International Politics* 44(1) (2007): 19-36] reflects on whether the idea of ‘embodied cosmopolitanism’ provides adequate normative foundations for collective action to reduce unnecessary suffering in distant places. In a related piece, ‘**Towards a Sociology of Morals with an “Emancipatory Intent”**’ [*Review of International Studies* 33(S1) (2007): 135-150] Linklater draws on Frankfurt School theory to reflect sociologically on themes from

Simone Weil about how far global moralities have developed forms of solidarity around the recognition of shared vulnerabilities to mental and physical suffering.

Solidarity is also the theme for a special issue of *Journal of Social Philosophy*. Editor **Carol C. Gould**'s article, '**Transnational Solidarities**' [*Journal of Social Philosophy*, 38(1) (2007): 148-164] outlines the mediating role that can be played by solidarity - conceptually and practically - between care and justice, between particularistic and universal concerns: 'reasoning and affect can work symbiotically in the case of solidarity relations' (163). Gould sketches how norms of solidarity might apply to transnational relationships through overlapping networks that support democratic relationships.

In the same issue, our featured article by **David Heyd**, '**Justice and Solidarity: The Contractarian Case against Global Justice**' [*Journal of Social Philosophy*, 38(1) (2007): 112-130] uses the notion of solidarity to provide some illuminating reflections on the contractarian view of global justice. His challenge to the cosmopolitan aim of globalizing Rawls's principles of domestic justice is somewhat distinct from those already rehearsed in the literature. He notes that the contractarian approach must assume an independent motive for people to enter the contract with those particular people rather than with others, and observes that 'the existence of such a motive belongs to the conditions or circumstances of justice, not to the justification of the principles of justice.' (115) He characterises this motive in terms of solidarity, a social force which sustains the unity of a group of people. But this does not entail a communitarian view of either the identity or the normative basis of the state, he maintains, for these are at least partly derived from the very enterprise of instituting agreed-upon principles of justice. Solidarity operates in a dialectical way: 'it originates in some form of a historical process, but is then reinforced by the sense of the common endeavor to establish and maintain a just society.' (123) If solidarity is also 'necessarily exclusive, presupposing the existence of competing causes' (119), this does not imply a Schmittian friend/foe model: rather, Heyd follows Chantal Mouffe in describing solidarity as an 'agonistic' (rather than 'antagonistic') basis for 'we-identity' (119). His aim is to distinguish between the universal level of morality and the local, solidarity-based, level of certain forms of social justice. A key claim is 'that one of the most powerful methods of justifying normative arrangements, that of the social contract, cannot account for the sphere of global moral relations. If we adhere to a liberal view of justice as a consent-based system of norms created under the strict methodology of a hypothetical contract, then we will have to view international relations and global distributions as deriving their justification from a different source than that of the contract.' (127) His argument represents a challenge to cosmopolitans who consider this a too restrictive view of

justice to reconsider the plausibility of assuming all the world's population could cogently be represented within an 'original position' - the presupposition underlying ambitions of globalizing political liberalism. The fact that we happen to live on this planet, he argues, does not in itself create a motive or a reason for sharing its resources (117). 'The idea of a "human community" is as misleading as it is attractive. We could imagine indeed circumstances in which our planet is threatened by the invasion of a rival, non-human race, leading to the rise of "human solidarity". But this only serves to confirm the relational analysis of the concept.' (119) Nevertheless, it may be asked whether we have to imagine a *non*-human threat to the planet while we humans ourselves appear to be presenting a more immediately palpable threat to it.

4. Issues of War and Intervention

The changing nature of war and the changing relationship between states and military force occasion important questions for political theory. In particular, on the one hand there is the increasing privatization of military force, with the growing use of mercenaries and private military contractors; on the other there is what we might call its 'moralization', that is, its ostensible use for the pursuit of humanitarian ends rather than conventionally strategic ones. Both developments challenge our inherited assumptions about the relations between the military, states, society and citizens.

On the theme of privatization, Sarah V. Percy's '**Mercenaries: Strong Norm, Weak Law**' [*International Organization* 61(2) (2007): 369-397], provides an informative study of international norms regarding mercenaries. She argues that if international law dealing with mercenaries is seriously flawed, this is not, as commonly supposed, because state interest (or lack of interest) has led to the development of intentionally weak law. In fact, she argues, ineffective anti-mercenary law is the result of a strong norm against mercenary use which has led states to devise a definition that indicated what they found problematic about mercenaries, and differentiated mercenaries from other actors. This definition created a number of loopholes which were made worse by the fact that commitment to the norm was so strong that states were unable to make adjustments necessary to create more effective law. Weak anti-mercenary law, created in the presence of a strong anti-mercenary norm, demonstrates, amongst other things, that legal institutionalization is not necessarily good for the further development of a norm.

Growing academic interest in irregular combatants is marked by the argument of Tamar Meisels, '**Combatants - Lawful and Unlawful**' [*Law and Philosophy* 26(1) (2007): 31-65], that irregular combatants are to be regarded as unlawful combatants, and therefore ought to be denied the various protections and

privileges granted to soldiers. This, she claims, is largely because those combatants themselves flout the laws of war (in fact, free-ride on their enemy's willingness to abide by those rules), and therefore are not entitled to their protection.

The Journal of Political Philosophy, 15(2) (2007), includes a Symposium on War and Responsibility. As well as the article by Estlund that we feature (see below), others of interest include **Neta C. Crawford** 'Individual and Collective Moral Responsibility for Systemic Military Atrocity' [*The Journal of Political Philosophy*, 15(2) (2007): 187-212] arguing that a focus on individual responsibility for war crimes misses important forms of collective responsibility (organisational, state, citizenry). **Larry May**'s contribution, 'Act and Circumstance in the Crime of Aggression' [*The Journal of Political Philosophy*, 15(2) (2007): 169-186], examines the tension between prosecuting individuals for a crime which in fact only states can commit, namely the crime of aggression.

On a related theme, **Anthony F. Lang**, 'Crime and Punishment: Holding States Accountable' [*Ethics & International Affairs*, 2(2) (2007): 239-257], mounts the argument that states can be held responsible for crimes and so can and should be punished. Drawing on some neglected strands in international law and political theory, he sketches a potential institutional framework for the punishment of state crimes, particularly genocide and aggression. Also on states' responsibilities, **Larry May**, 'The International Community, Solidarity and the Duty to Aid' [*Journal of Social Philosophy* 38(1) (2007): 185-203] employs the idea of solidarity to defend a minimal duty of mutual aid among states, arguing that this duty can justify some wars, but that it is not as robust a duty as he believes many human rights theorists would try to claim. Meanwhile, **Thomas Hurka**, 'Liability and Just Cause' [*Ethics & International Affairs*, 21(2) (2007): 199-218] offers a response to Jeff McMahan's "Just Cause for War" [*Ethics & International Affairs* 19, (2005)], defending a more permissive, and more traditional, view of just war liability against McMahan's claims. Though initially a criticism of McMahan, the paper makes positive proposals about conditional just causes and the moral justification for directing force at soldiers.

If questions of just war and humanitarian intervention are inherently fraught, yet a further dimension of ethical uncertainty arises for approaches to them from a feminist perspective. **Kimberly Hutchings**, 'Feminist Ethics and Political Violence' [*International Politics*, 44(1) (2007): 90-106] examines the tensions within and between different feminist positions with regard to justifying violence, and reveals a problem that goes deeper than those differences. If both the categories used to mount the justifications and the circumstances to which they might be applied are already shaped by gendered assumptions and power relations, then any

debate about them is already framed in a way that has to be challenged in principle. Yet in practice it is not possible to do that, so debate among different feminist positions has to be a matter of political judgement rather than moral certainty.

Thinking these matters through, one might come to the view - and here Brown's remarks about a tragic sense may also find some resonance - that it is not feminist commitments alone that give pause regarding the quest for moral certainty when it comes to human-on-human violence in the real world.

5. Soldiers as Citizens

This theme, of tempering the quest for moral certainty with a recognition of the need for political judgement, is also present in our featured article by **David Estlund**, 'On Following Orders in an Unjust War' [*The Journal of Political Philosophy*, 15.2 (2007): 213-234].

I don't know whether many soldiers read works of moral philosophy. In fact, I don't know much about a soldier's life at all, and I consider myself fortunate in this, because one thing I do know is that I would not find sharing it easy. So I can only imagine how it would be to pass *R&R* reading about the ethics of war, but I feel pretty sure it can hardly make life any easier. As Estlund reminds us, part of the self-conception of the soldier is captured in the words of Tennyson: 'theirs not to reason why; theirs but to do and die'. And yet, there are moral philosophers who would place the soldier under a considerable burden of 'reasoning why'. Since if it turns out that conditions of *ius ad bellum* have not been fulfilled, then the soldier sent to fight is - no matter how scrupulously observant of *in bello* rules - an 'unjust warrior' who is to be morally condemned for 'doing'. This is so even where the soldier is defending against an attack. So with the 'doing' thus condemned, the soldier would appear to be left with the alternative Tennyson mentions. And ingloriously, at least on one view Estlund cites: 'Soldiers fighting an unjust war have no better right to self-defense than murderous muggers.' (227)

Sympathetic to the predicament, humane philosophers like Walzer have held that soldiers' obedience to their state - their foremost duty *as* its soldiers - sanitizes their participation in an unjust war. However, Estlund thinks this goes too far the other way in 'absolving all soldiers regardless of whether the justice of the war is, in any significant way, being duly looked after by the process or authority that issued the command to fight.' (225) For if soldiers can be held responsible for violations of the rules of *ius in bello* - even where this means resisting severe social pressure, institutional sanctions including threats of violence, imprisonment for disobedience, and so on - it is hard to see why they can have no responsibility at all with regard to the choice *whether* to fight. Simply positing a blind allegiance to the

state is not enough; no human being would do just *anything* simply because ordered. Estlund nevertheless holds that the soldier would be wrong to substitute his own private verdict and thwart the state's will, providing it is reasonable to think that 'the political and institutional process producing the commands is duly looking after the question whether the war is just'. (213) His thesis is that 'under the right conditions' the soldier is 'morally obligated (and so morally permitted) to follow all normally binding orders-those that would be binding at least if the war were just.' (215) The key thing is to look at how 'normally binding orders' are justified: that is, more exactly, '*whether the command is (or is not) too far from a just response, in light of a reasonable view of the facts, by a legitimate authority that has, in a publicly recognizable way, a general capacity to respect justice of waging and fighting wars.*' (230-231)

Thus while responding to debates in moral philosophy, this article shows the distinctive kind of contribution political theory can make in framing the issues. It may be possible to take issue with particular elements of Estlund's argument, but I for one found it rather persuasive as a whole. It speaks to a real dilemma. Those who would take a hard line on soldiers would have to think carefully about advocating any humanitarian intervention for human rights; since the burdens of moral judgement and political understanding would place unfeasible strains on soldiers. Estlund helps us appreciate how the role of soldiering is a *social* role, one that therefore all citizens should share responsibility in developing and directing - and not in spite of, but especially because of, the fact that they will not be actual participants in the doing and dying. Soldiers should be able to proceed in their already onerous task on the basis that the background requirements of justice are met. 'This requires that citizens work to protect or restore or create the free, open and often adversarial epistemic forum of political deliberation that could sanitize the soldiers' (234). Thus the argument has implications for citizens and democracy more widely.

If the future of military force is not to lie in its complete privatization, the question of the nature of solidarity between citizens in uniforms and citizens out of them is going to require more reflection of this kind.

6. Immigration and the significance of culture

Our featured article by [Samuel Scheffler](#), on '[Immigration and the Significance of Culture](#)' [*Philosophy and Public Affairs*, 35(2) (2007): 93-125], does not fit neatly under the main rubrics of IPT, being primarily about suggesting an alternative to multiculturalism within the domestic arrangements of a state. But issues relating to the status and rights of immigrants necessarily raise questions about how we relate the national to the international.

In Scheffler's view, the many theoretical and practical challenges posed by immigration are not helpfully framed in terms of 'national identity', 'national culture' and 'multiculturalism'. To set the scene, he narrates how he imagines his own immigrant grandfather would have struggled to deal with the question of what was his 'culture'. In doing so, Scheffler is not attempting to draw general conclusions from a particular case but presenting an implicit general challenge to consider how *any* case could differ with regard to the crucial points highlighted. He expands on these points to maintain that identities are protean and cultures maintain themselves through change, and yet he recognizes that there are good reasons to preserve valued traditions, customs, practices, and modes of living.

A view whose attractions Scheffler appreciates, but ultimately does not fully endorse, is what he calls 'Heraclitean pluralism'. On this view, cultures are always in flux, and immigrants have no general right to resist changes demanded by the host society whenever those changes would conflict with norms or practices of the immigrants' culture; by the same token, there is no general right of the host society to impose constraints on new immigrants whenever this is thought necessary to protect the national culture from change (105). So states should be maximally accommodating of cultural variety, and not attempt to preserve any particular culture or cultures. Thus a genuinely free society must have a pluralistic framework. 'Within the framework of laws that themselves conform to the principles of justice, immigrants and others may take full advantage of their rights, liberties, opportunities, and economic resources to develop and extend inherited practices, customs, ideals, and traditions. What they cannot do is demand additional rights or resources, beyond those owed as a matter of justice, in the name of cultural preservation specifically.' (111) The same restriction would apply to the host society too.

However, Scheffler believes Heraclitean pluralism does not provide a fully satisfactory way of thinking about issues of immigration and culture. Its limitations are most apparent, he thinks, in its attitude toward national culture. The problem is 'that the state cannot avoid coercing citizens into preserving a national culture of some kind' (112) for the institutions of state and their laws and policies define what Rawls called a 'public political culture' (112). To that extent, a state unavoidably has a broader national culture which it cannot help promoting in some ways. To the extent that Heraclitean pluralism neglects this point it is unsatisfactory.

Scheffler then argues it is important to distinguish the idea of a culture from that of religion or comparable 'comprehensive doctrines of the good'. With regard to the latter, the liberal demand that the state be neutral is reasonable. However, he explains, 'it is a mistake to extrapolate from the case of moral, religious, and

philosophical convictions to the case of cultural affiliations. Moral, religious, and philosophical outlooks, as conceptualized within liberal theory, are explicitly justificatory structures; they are systems of norm and values that provide guidance about how to live.’ (119) Their special status ‘derives from their role as perceived sources of normative authority’, they are the source of the *convictions* which people take as providing reasons for action. Cultures, by contrast, are not explicitly justificatory structures. If few people would profess ‘cultural convictions’ or ‘cultural principles’ this is because the authority of convictions and principles derives ‘not from their acceptance within the culture but rather from the direct normative force of the principles themselves.’ (120) To think of ‘culture’ - which is a descriptive, ethnographic, category - as on a par with moral, religious and philosophical doctrines is something like a category mistake (120). ‘So the mere fact that something is a feature of a culture to which one belongs does not confer any normative authority on it, nor is it ordinarily seen as so doing. Instead, people respond to perceived values, ideals, and principles, when they do, *as* value, ideals, and principles, and not as features of culture.’ (124) The implication of his argument is ‘not that all of the political claims advanced under the heading of cultural rights or cultural preservation should automatically be dismissed, but rather that those claims should be redescribed in such a way as to make clear the values, ideals, and principles that are at stake.’ (124)

His argument may not convince all readers on all points but he has articulated a position that is worthy of the debate it is likely to engender.

7. Contemporary readings of historical texts

Historical texts have provided a lens through which to view contemporary problems for several interesting articles published during this period. The thinking of Hannah Arendt has been influential for several authors. These include **Patrick Hayden**, ‘**Superfluous Humanity: An Arendtian Perspective on the Political Evil of Global Poverty**’ [*Millennium: Journal of International Studies*, 35(2) (2007): 279-300], highlighting how global poverty, as a gross violation of socio-economic rights, is a political evil in Arendt’s sense; and **Patricia Owens**, ‘**Beyond Strauss, Lies, and the War in Iraq: Hannah Arendt’s Critique of Neoconservatism**’ [*Review of International Studies* 33 (2007) 265-283].

Thomas Mertens, ‘**Kant’s Cosmopolitan Values and Supreme Emergencies**’ [*Journal of Social Philosophy* 38(2) (2007): 222-241] brings Kant scholarship to bear in an illuminating way on ethical and political issues in circumstances of supreme emergency. His contemporary reading of *Towards Perpetual Peace* notes that while there are convincing reasons to uphold the

categorical prohibition of torture, those supporting the proscription of humanitarian intervention at first appear less clear-cut. Yet combining a sympathetic reading of Kant with a realistic appreciation of the actual contexts in which a case for intervention can arise, Mertens provides a more nuanced view, introducing subtle considerations of what we can learn from the one kind of case for understanding the other. A defence of Kant's consistency in defending both individual and sovereign rights is also one of the themes touched on by **Burleigh T Wilkins**, 'Kant on International Relations' [*The Journal of Ethics* 11(2) (2007) 147-159]. Particularly interesting is **Sam Duncan**, 'The Borders of Justice: Kant and Waldron on political obligation and range limitation' [*Social Theory and Practice* 33(1) (2007)], a critical reading of Jeremy Waldron's Kantian attempt to ground political obligation in a natural duty of justice. Waldron argued that since we cannot fulfil that duty as stateless individuals, we must either to work to bring about such institutions or support existing institutions which make it possible. The institutions can be range limited, that is, adjudicating claims for only particular people rather than everyone. Duncan argues that range limitation is inconsistent with a Kantian theory of natural duty. Consistently developed, the duty of those of us living in powerful and affluent democracies is to be engaged citizens. However, this duty, he claims, is not a duty to obey the law and could, in some instances, be a duty to do just the opposite.

On historical scholarship, mention should also be made of **Nicholas Aroney**, 'Subsidiarity, Federalism and the Best Constitution: Thomas Aquinas on City, Province and Empire' [*Law and Philosophy* 26 (2007): 161-228]. A rather specialist read, whose implications for contemporary IPT would require some teasing out, its themes nevertheless have contemporary resonance. Aroney closely examines the way in which Aquinas understood the relationship between the various forms of human community. This analysis is used to explain Aquinas's role in the development of theories about subsidiarity, federalism and mixed constitutionalism.

8. Upcoming Issues

This review period did not see the publication of many articles by normative theorists engaging with specific issues in the areas of international political economy, international law or policy. But there are several informative studies that bring normative issues to the fore. For instance, **Philippe Cullet**, 'Human Rights and Intellectual Property Protection in the TRIPS Era' [*Human Rights Quarterly*, 29 (2007): 403-430] is a highly informative article about the impacts of intellectual property rights on the realization of human rights, such as how the right to health is affected by medical patents. While discussing some of the specific issues brought about by the implementation of the TRIPS agreement, Cullet also reflects

more widely on the nature of intellectual property rights and their complex relation to human rights norms, highlighting a good deal of substantive issues that merit further reflection by normative political theorists.

Also worth mentioning is *Ethics and International Affairs* issue 21(1) devoted to articles on international debt. Mainly empirical studies, these articles highlight a number of issues meriting further normative analysis, such as the allocation of risk and liability, the evaluation of policies for debt relief, and dealing with the problem of odious debt.

There is nothing to report on global environmental issues or even the question of justice with respect to climate change, although this is something on which we expect to see articles appearing in subsequent review periods.

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