

Introduction: Sovereignty, Rights and Justice

Consider: homeless people sleep in doorways in the Strand in central London while single mothers in 'sink' estates in greater Glasgow bring up their children in poverty, British citizens of Black or Asian origin report that they regularly experience racial discrimination and the life-chances of British women remain significantly different from those of British men. Also: villagers in parts of South Asia routinely tread the fine line between malnutrition and starvation, the inhabitants of Central Africa struggle to survive the civil wars which have wrecked the Congo basin, gender differences in infant mortality are striking in many parts of the world, and national minorities in the Balkans and elsewhere face persecution and oppression.

How is the relationship between the two grim situations summarized by these sentences to be understood? The author of this book is a British citizen (non-British readers will find it easy to provide their own local examples) and so the ills related in the first sentence are experienced by fellow citizens; this fact is generally taken to be significant, indeed to provide a valid reason for responding to such ills – the British welfare state and a range of anti-discrimination legislation are such a response, inadequate though they may be. Obligations are recognized here, but how do things stand with respect to the ills of those who are not one's fellow citizens and who live in faraway places? Some kind of obligation is recognized here too, but, seemingly, of a very different kind. All of the wealthy, constitutionally secure liberal democracies have foreign aid programmes of one kind or another, and subscribe to international organizations part of whose remit is to relieve global poverty; the same democracies have been at the forefront in the development of the international human rights regime over the last half-century. Still, even the most generous aid budgets are no more than a small fraction of the internal transfers between rich and poor that take place within these democracies, and the willingness of those

countries where human rights are generally respected to take active steps to enforce such rights elsewhere is somewhere between non-existent and very lukewarm. Foreigners, it seems, are different from our fellow nationals; 'they' have different claims upon us, 'we' have different obligations towards them.

Such a distinction between 'us' and 'them' seems well established in popular thought, but what of scholarly discourse? Here the situation is rather more complex. It is certainly the case that for much of the last century 'government' and 'political theory' were seen as occupying different disciplinary spaces from 'international relations' (IR) and 'international theory'. Domestic politics was seen as a realm where questions of political obligation were central; liberals, conservatives, social democrats and socialists may have differed as to the kinds of society that they wanted to see emerge within their country, but no one doubted that co-nationals had some kind of obligation towards each other and that social life was impossible without this fact being recognized. International relations, on the other hand, concerned relationships between states, and the most important strand of theorizing of this relationship – realism, of which more below – stressed the extent to which whatever obligations states had towards each other rested ultimately on contingent factors, most importantly mutual self-interest.

That there was a clear distinction between domestic politics and international relations was more or less taken for granted by scholars in both fields – IR scholars in particular believed this distinction to be a defining feature of the modern 'Westphalian' system of sovereign states. However, in reality, it was only during the inter-war years, and then, even more emphatically, after the Second World War, that IR came to be seen as a distinct field of study with its own characteristic concepts and theories, drawing upon older disciplines such as philosophy, history, law and political science, but melding these disparate discourses into something distinctive and different. It was only in these years that it came to be widely held that 'international relations', the subject matter of the discipline IR, were *sui generis*, different from other kinds of social relationship by their very nature, and thus that they had to be studied in an equally distinctive way. The 'theory of international relations' then came to be seen as something very different from 'political theory' as that term was usually understood, but this is a position that would not have been recognized for much of the nineteenth, let alone the seventeenth or eighteenth centuries – and, more to the point, it is increasingly challenged today, in the twenty-first century.

It is with this latter challenge that this book is primarily concerned – although some consideration will be given to earlier patterns of thought about these matters. Over the last twenty years or so, a dis-

tinctive discourse has emerged which does not treat international relations as a separate subject for theorizing from political science, and which refuses to think of the issues of obligation raised in the opening of this chapter as falling naturally into categories such as 'domestic' or 'international'. The creators of this discourse come from, and sometimes consider themselves still to be located in, a variety of backgrounds in political and social theory, moral philosophy, economics as well as international relations, but together they have made something new – or perhaps rediscovered older insights from the time before the 'disciplining' of international relations.

Knowing what to call this new discourse presents problems. Some adherents of the new discourse have employed the term 'normative theory' to describe what they do, the contrast being with those varieties of IR theory which claim to be purely explanatory (e.g. C. Brown, 1992a; Frost, 1996; Cochran, 2000). However, this is clearly somewhat unsatisfactory; it rests upon a distinction between 'normative' and 'positive' theory that, as will be argued below, is ultimately unsustainable, and also 'normative' as a word has unfortunate connotations of 'preachiness'; the implication is that normative theorists are going to tell everyone else what they ought to do about pressing moral issues such as global poverty. This is not usually the main intention of this work, which is more oriented towards the task of interpretation. For similar reasons the term 'international ethics' is somewhat unsatisfactory, although a great deal of good work is done under the rubric of this term, supported, for example, by the Carnegie Council for Ethics and International Affairs with its journal *Ethics and International Affairs*, or under the auspices of the 'International Ethics' section of the (American) International Studies Association, and it has been used in a number of important collections and books (Nardin and Mapel, 1992; Frost, 1996; Rosenthal, 1999). If 'ethics' had today the kind of general implications conveyed by the title of Aristotle's *Ethics* this would be all well and good – but for the most part it does not. Rather, the usual connotation is with moral codes and prescription.

After eliminating these two possibilities, we end up with the term used in the subtitle of this book and throughout for the new discourse – 'international political theory'. International here is intended to connote a specific focus rather than to imply a separate discourse; of course, what that focus actually is will require a certain amount of meditation on the term 'international'. Three terms seem particularly central to this meditation – sovereignty, rights and justice, the main title of this book. Most of the rest of this introductory chapter will provide an initial overview of the relationship between these three terms, in the process providing a kind of preview of the argument of the book taken as a whole. Further preliminary reflections on 'us' and 'them' and on

the relationship between international relations and international political theory will follow, and then a chapter outline of the book along with a brief explanation of some exclusions and omissions.

Sovereignty

It might seem strange to begin the title of a book that is trying to escape from conventional IR with 'sovereignty' since this notion is so central to the conventional discourse, and international political theorists such as Thomas Pogge and Charles Beitz have been so dismissive of its merits (Beitz 1979/2000; Pogge, 1994a). It provides, however, a very important bridge between the old and the new. The notion itself emerges out of political theory; when Jean Bodin and Thomas Hobbes, amongst others, developed the outlines of the modern notion of sovereignty in the sixteenth and seventeenth centuries respectively, the 'international' was not their primary concern but they were immediately aware of the international implications of what they were doing – and the prototypical 'international lawyers' of the next hundred years who worked through these implications, from Grotius to Vattel, were themselves political philosophers as well as, sometimes instead of, lawyers. Moreover, the current literature on sovereignty is itself of a much higher quality than was characteristic of, say, twenty years ago. Spurred on by European integration, the putative onset of globalization, and such challenges to the notion of sovereignty as the emergence of an international human rights regime, it is not simply constructivist international political theorists such as Friedrich Kratochwil and Alexander Wendt who are breaking new ground – one of the most interesting recent studies of sovereignty has come from the realist Stephen Krasner (Kratochwil, 1995; Krasner, 1999; Wendt, 1999). All in all, sovereignty has plenty of life left in it as a focus for study.

Highlighting the term sovereignty is designed to draw attention to the distinguishing feature of international political theory, as opposed simply to political theory, which is that it deals with the implications of a world in which there are multiple political units, each claiming to be, in some strong sense, autonomous – and the term 'sovereignty' is a useful shorthand way of referring to this claim. Sometimes this claim is cast in legal terms, as a refusal to recognize that there is any external person or body who may legitimately exercise authority within a particular realm. Alternatively the claim may be to possess certain kinds of capabilities or powers which can be exercised without the approval of another; Krasner helpfully suggests it may be sensible to distinguish here between claims concerning the capacity to act within

a territory and to be able to regulate relations across borders (Krasner, 1999). In any event, the claim to autonomy means something more than, for example, the right to exercise delegated powers, which could be taken away in a perfectly legal manner. The key point is that, whatever the exact nature of the claim to autonomy may be, a world in which such claims are made has a different politics from a world in which such claims are not made.

We can see this very clearly when we compare the politics of a world of autonomous units with those of, on the one hand, an empire, and on the other, a federal system. An imperial system has a centre of authority and a chain of command. Distant provinces of an empire may have quite a high degree of actual autonomy – in the era before modern communications the governor of a distant province might have the title ‘Vice-Roy’ precisely in order to convey his capacity to act independently on behalf of the ruler, taking decisions as though he were king, but ‘on behalf of’ is the key term here. There is no actual *claim* to autonomy; autonomy is a practical response to problems of distance and far from being claimed as a matter of principle, it is denied as a matter of principle. Relations between the metropolis and provinces in such an empire are very different from those between genuinely autonomous units; the political focus is always upon the centre and upon the effectiveness of the transmission belt between centre and periphery. The central point here is that it is not simply the *fact* of autonomy which makes a difference; the *claim* to autonomy symbolized by the terms ‘sovereign’ and ‘sovereignty’ is itself important. To put the matter in different terms, in the former case autonomy is contingent, in the latter it is built into the rules of the game, it is a constitutive rule which defines the nature of the relationship (Kratochwil, 1995).

A federal system provides a different, and perhaps more ambiguous, point of comparison. The essence of federalism is a political/legal arrangement in which both the central authority and its component units are able to claim autonomy in respect of certain spheres of competence. Thus, it is not simply the case that a province actually possesses a degree of autonomy but that it is acknowledged to possess this autonomy as of right. Some cosmopolitan international political theorists (Thomas Pogge, for example) have suggested that this situation shows what is wrong with Hobbesian notions of sovereignty, asking, rhetorically, where sovereignty resides in, say, the United States (Pogge, 1994a). Is the relationship between the units of a federal system analogous to the relations between states in an international system? Not on traditional accounts of sovereignty, which stress the absoluteness of the term – since the lower units can in certain areas be overruled by the higher this produces a different politics from an international system in which this is not the case. On the other hand, since modern think-

ing on actual sovereign powers stresses the extent to which they have always been limited, there may be fruitful points of comparison here, as Daniel Deudeny has emphasized in his account of the 'Philadelphia' System – pre-1860s federalism in the US – as a kind of international system (Deudeny, 1996). In any event, federal systems provide a good reason to investigate and cross-examine the notion of sovereignty, as contemporary discussions on 'post-sovereignty' in Europe illustrate, but they are still different in kind from systems based on the politico-legal notions of autonomy summarized by the idea of sovereignty (Wallace, 1999). The key difference is that disputes between the units and the centre and among the units are ultimately settled by constitutional-legal means, which is clearly not something that can be guaranteed to be the case in a system of sovereign units; the latter may agree to resolve their differences in such a way, but, as Hegel put it in the context of a discussion of Kant's scheme for a perpetual peace, any such agreements are tainted with contingency (Hegel, 1821/1991, §333).

Extending this latter point, a defining characteristic of a sovereignty-based system is the absence of authoritative central institutions. If we assume that 'politics' is necessarily connected to 'government', or that politics is about the authoritative allocation of values, then such a system is not properly political, and 'international political theory' becomes a misnomer. It was for some such reason that Martin Wight famously declared there to be no 'international theory' (Wight, 1966). Political realists, classical and neo-, similarly emphasize the importance of the lack of authoritative institutions by their stress on the 'anarchy problematic' (e.g. M. E. Brown, et al., 1995). There are two reasons why these are overreactions to the lack of authoritative central institutions. First, as Alexander Wendt has admirably demonstrated, there are different kinds of anarchy (Wendt, 1992 and 1999). The simple absence of authoritative central institutions does not of necessity lead to the kind of anarchy charted by Kenneth Waltz and his neo-realist colleagues, or to relationships locked into the eternal return of recurrence and repetition described by Wight (Wight, 1966; Waltz, 1979 and 1990). Wendt suggests that anarchy is 'what states make of it', and although we might want to suggest that there are limits to this process of construction, the basic point is valid (Wendt, 1992).

Perhaps more directly to the point, it is by no means clear that the original argument that politics requires government, that authoritative allocation is central to the political process, ought to be accepted. If, for example, we take the basic question to be Lasswell's 'who gets what, where, when' (or Lenin's 'who, whom') then it is by no means obvious that *authoritative* allocation is central to the political. Questions about the justice of a particular allocation arise whether the allocation is made by a government or in some other way. For example, even if we are

unwilling to follow some feminist writers and subsume private life wholly into public by asserting bluntly that ‘the personal is the political’, we do not need to deny that the process whereby gender roles are allocated is profoundly political. The idea that because a particular order is ‘anarchic’ therefore the kinds of questions political theorists characteristically ask cannot be asked in this case is either unfounded – or, more sharply, founded in the desire to protect the interests of the strong, for whom questions of justice and right are generally embarrassing, and to be avoided if at all possible. From an international political theory perspective such questions are central – hence the second and third terms of the main title to this book. But, whose rights, which justice?

Rights

Liberal political theory, drawing on the natural law tradition, and certain aspects of medieval political practice, asserts that individual human beings have rights, and since the Second World War, a quite elaborate international human rights regime has been developed to give body to this proposition. In the past, on the other hand, international lawyers have generally declined to see individuals as subjects of international law, save in very restricted circumstances, stressing instead the rights of states. Nowadays the international human rights regime is accepted as part of international law, and lawyers extend still further the notion of rights by addressing the ‘rights of peoples’ – the right, for example, to national self-determination, or the specific rights of indigenous or nomadic peoples. However, some non-Western critics of the notion of universal rights stress the parochial origins of such a universalist position, and some feminists agree that the international human rights regime has implicitly taken the paradigmatic rights-holder to be a Western male – although feminists and advocates of, for example, ‘Asian values’ tend not to agree on anything else. Meanwhile, realist IR theorists do not employ the language of rights at all, although their basic position could easily be turned into a defence of the rights of states (although not of the rights of political communities).

All this suggests two things: a system based on sovereignty by no means excludes talk of rights, but it complicates such talk to a very high degree. Of course, many of the debates about rights that exist internationally are mirrored domestically (or vice versa). Thus, for example, the claim that states have the right to manage their own affairs independently of international standards of behaviour is paralleled by the claims to autonomy of indigenous peoples, endorsed by

some theorists of 'multiculturalism'. The difference between these two situations is, however, quite clear. In the domestic case, the rights of indigenous communities will ultimately be settled by authoritative, political-legal, constitutional processes; things are rather different in a system based on sovereignty. The International Court of Justice has jurisdiction in some circumstances over inter-state conflicts, but its capacity to decide between the competing claims of states, individuals and groups is decidedly limited, and its capacity to enforce its decisions is more or less non-existent. The new International Criminal Court (established by the Rome Treaty of 1998 and likely to come into being in 2002) will have the capacity to judge individuals, but again only in limited circumstances, and again, with few powers of enforcement. With one or two exceptions – most notably in Europe, where the sovereignty system is most under pressure at the moment – the international politics of rights takes place under very different circumstances from the politics of rights within a country.

In a sovereignty system, the politics of rights is about the exercise of political influence rather than legal decisions. States uphold their rights by attempting to exclude foreign influence over their decision-making procedures. Compliance with international human rights legislation is similarly determined by the exercise of influence; most states do not want to be seen by their own publics, or by world public opinion as mobilized by the international media, as violators of human rights. On the other hand, when important issues are at stake, states are unlikely to allow this kind of reputation to be decisive, and, crucially, states themselves determine what are the important issues. However, it should be noted that in recent decades the growth in the number of non-governmental organizations with an interest in human rights has been quite striking, leading some to think in terms of the emergence of a 'global civil society' oriented towards individual rights. As against this, the increasing willingness of non-Western countries to describe the international human rights regime as neo-colonialist and based on a form of cultural imperialism should also be noted. The rights of states and of individuals are put into the starkest relief when allegedly humanitarian interventions take place – that is to say, when one state forcibly, possibly violently, violates the sovereignty of another putatively on behalf of the citizens of the latter. Such interventions have always been few and far between – although they are not unprecedented even before the twentieth century – but in the last decade or so they have become, if not common, then at least no longer quite so exceptional. An interesting question is whether, if such interventions became commonplace, the system of sovereign states could survive. This, and the other questions raised above, will be examined in much greater depth below.

The classical liberal conception of human rights was largely political and personal, covering such matters as freedom of speech, assembly, religion and so on. Now, these 'first-generation' rights are often said to be accompanied not just by the rights of peoples, 'third-generation rights' as they are sometimes called, but by social and economic rights – the second generation. Again, such a move raises all sorts of issues in a sovereignty system. Within a domestic political order it may make sense to speak of a right to an old age pension or to unemployment assistance, because the state with its powers of taxation has the ability to deliver on such a right. What does a right to subsistence mean in an international system? From whom is such a right claimed? Clearly it would be possible for an international authority to be established to tax the rich and redistribute to the poor, but why would states – especially rich states – take such a step? Here issues of justice are raised.

Justice

What can justice mean in a system based on sovereignty? Nothing, say the realists, but the traditional answer, provided by lawyers and theorists of international society, is clear – justice means respect for the rights of sovereigns. It concerns the procedures of international relations, the practices that are necessary to allow sovereigns to relate to one another, preferably peacefully (Nardin, 1983). It means 'impartial rules, impartially applied'. But, with increasing force from the 1960s onwards, the modern international system has seen the emergence of claims for international *social* justice, for international redistribution between rich and poor on the basis of international distributive justice. The different meanings of the idea of the social are interesting here. Theorists of international *society* – the so-called 'English School' – contest with harder-nosed realists who prefer the term international *system*, denying the social nature of inter-state relations, but when the former use the term society they mean simply to convey the idea that relations between states are minimally norm-governed; the wider implications of the term social are rarely considered (Bull, 1977/1995; C. Brown, 1995a and 2001a; Dunne, 1998; Jackson, 2000).

For 'international social justice' to make sense there would have to be an international society in a deeper sense of the term – indeed, it would be rather less confusing if the term global were to be substituted for international. It would then be clear that we are speaking not of a relationship between separate secondary units but between human individuals – international (global) social justice requires that we ask what is owed to individuals qua individuals, not simply by 'their' sov-

ereign but by all other individuals. It is, of course, a moot point whether the depth of relationships between individuals on a global scale could be such as to sustain such a system of rights and duties. It is not simply traditional IR theorists who think not – the most important theorist of justice of the last century, John Rawls, is clear that his highly influential account of distributive justice could not be applied internationally (Rawls, 1971/1999 and 1999b). However, it is equally moot whether a conventional division between procedural and distributive justice can be sustained in the face of the move to globalization through which we are currently living. The growth of international interdependence does not necessarily create the sense of community that may be required to make a scheme of redistribution work, but it does mean that any account of the inappropriateness of distributive justice that relies upon the separateness of societies is going to have to be revised quite considerably.

Theorists of international social justice characteristically concentrate on issues of distribution, but what is to be distributed is less the subject of consensus. We might think in terms of global wealth, and a redistributive international tax system, but there are other forms of inequality that are only indirectly connected to wealth generated by the sovereignty system. Sovereigns claim the right to police their borders, determine their own membership; this is clearly a matter that has enormous social implications and not just because of poor people attempting to enter rich countries. For political refugees a border may be a matter of life and death, something that distributes life-chances very directly and dramatically. Questions of membership are clearly issues of international social justice. Who is included, who excluded can be a matter of life and death.

Inclusion and exclusion: ‘us’ and ‘them’

This gets to the heart of the matter. A political arrangement of the world’s surface based on sovereignty rests on processes of inclusion and exclusion which may well cut across considerations of rights and justice (Walker, 1993). A certain amount of care is required here. All political arrangements rest on inclusion and exclusion in one form or another, and the vision of a politics that is literally all-embracing would imply the absence of any kind of scarcity, which hardly seems to be a sensible starting point. But the sovereignty system imposes a particular form of inclusion and exclusion which has dramatic consequences in all directions, and breaking this form down can be hard, not just in analytical terms but in terms of political values. Herein lies one of the

distinctive features of international political theory. Consider, for example, the way in which the free movement of refugees and economic migrants into the advanced industrial world is characteristically supported by libertarian political philosophers and neo-liberal economists as well as by many progressivist liberals, while opposed by an equally unlikely coalition of social democrats, trade unionists and right-wing, authoritarian nationalists. The point is that a political geography based upon a system of autonomous sovereign units encourages a particular mode of thinking about the world in which notions of 'right' and 'justice' are particularized and parochialized, and this is particularly striking in a world in which government is seen as representative and responsible. The 'subjects' of an autocrat have few rights, and justice is another word for the will of the ruler, but once subjects become 'citizens' then the issue of what they owe to each other as opposed to non-citizens becomes real. Giving priority to the interests of fellow citizens or co-nationals inevitably involves downsizing one's obligation to everyone else.

To summarize: international political theory shares with political theory a concern with rights and justice, but it focuses this concern on the particular problems thrown up by the implications of sovereignty for these key notions, sovereignty being taken as shorthand for a particular system of inclusion and exclusion. The existence of bounded political entities is a backdrop to most conventional political theory, something that political theorists are aware of but do not allow to impinge too radically upon their consciousness. For international political theorists, this bounded quality of politics is foregrounded; it becomes the key feature of political life. The existence of a boundary between the domestic and the international is taken for granted by conventional political theory, but is contested and cross-examined by international political theorists.

International political theory and international relations

International political theory is different from, although related to, political theory, but it is also different from, and related to, international relations theory – although in rather different ways. In the twentieth century, the model for what IR theory ought to be generally involved a set of linked propositions designed to explain the regular patterns that were perceived to exist in international relations. Opinions might differ as to the extent to which such propositions could be expressed in formal terms, but both the builders of formal models and the more

modest 'barefoot empiricists' employed the same general account of the nature and role of theory (Knorr and Rosenau, 1969; Nicholson, 1996; C. Brown, 1997/2001).

What is the purpose of this kind of theorizing? For the majority of theorists in this area, the answer is clear – explain in order to predict, predict in order to control, or if control is impossible, then at least to minimize the consequences of undesirable states of affairs and take advantage of whatever opportunities exist. In other words the goal is to solve problems; the assumption is that the more we know about the way the world works the more likely we are to be able to make it work to our advantage – although empiricists might argue that prediction without explanation can also be effective. Of course, who 'we' are in this context is contestable – many political scientists with this way of looking at the world have been concerned to promote the interests of their state (or, often, their side in the Cold War); there have always also been figures on the left with similar epistemologies, whose 'we' is the wider global interest, and whose work has characteristically appeared in outlets such as the *Journal of Peace Research*. This contest between competing political perspectives establishes a role for so-called normative theory. Positive knowledge tells us how to manipulate the world, but a different kind of knowledge is required to set down the purposes of such manipulation. The – explicit – model here is economics where 'positive economics' tells us what policy mixes of, say, unemployment rates, wage rates and inflation rates are possible, and 'normative' considerations determine which of these possible combinations is to be actively pursued. It is at this point that the 'normative' theory or 'international ethics' referred to at the opening of this chapter finds a respectable niche within contemporary IR, as an essential adjunct to the main business of producing explanatory theory.

Much of the impetus for international political theory comes in reaction to this way of setting up the relationship between the normative and the positive. In the first place, there is the political point made with great force by Robert Cox, that a 'problem-solving' approach to the role of theory takes the world as it is, and normative theory that fits within a problem-solving framework is obliged to do the same (Cox, 1981). The underlying assumption is that the world throws up a series of problems which it is the task of the theorist to solve – the explanatory theorist provides the tools for this task, outlining possible solutions, while the normative theorist attempts to suggest which of these possible solutions is the most desirable. The problem with this division of labour is that no room is left for a critique of the starting point; the underlying assumptions of the nature of the problem remain unchallenged. This leads to a more fundamental point; the explanatory theorist, and his or her normative associate, assume that they are

attempting to describe the world as it is, to read off from the legible face of social reality the patterns and regularities that are to be found there. But this way of looking at the world misconceives the nature of these patterns and regularities, ignoring the differences between social facts and the 'brute facts' of nature (Searle, 1995).

An alternative perspective stresses that we live in 'a world of our making' – to use Nicholas Onuf's helpful phrase (Onuf, 1989). It is not so much that conventional IR theory takes the world as it is, which is Cox's point, rather that it fails to realize that any account of how the world is can only exist within a framework of shared ideas and concepts. Rules, regularities and patterns are not found within the world, and norms are not imposed upon it; rather they are all products of theory and constitutive of the world (Kratochwil, 1989). Thus, to take the most potent example from conventional IR theory, the neo-realist model of international relations is self-validating to the extent that it accurately works through the implications of the world that it has created, a world in which egoists seek to survive under conditions of Hobbesian anarchy (Waltz, 1979; Mearsheimer, 1994/5). But by taking this world as given, failing to recognize that it is a creation, the neo-realist is locked into an unchanging, timeless conception of international relations in which relevant and important pieces of information – such as the nature of the state, its history, identity and particular interests – cannot be conceptualized.

Some critics of conventional IR theory understood, at least in part, the implications of this critique. The 'English School', exemplified by writers such as Hedley Bull and Martin Wight, understood clearly that the contemporary international system had an origin, had changed over time and might change in the future – all, one might have thought, fairly straightforward positions of some significance, but regarded as irrelevant by many contemporary conventional theorists (Bull, 1977/1995; Wight, 1977). But their positions were also problematic, albeit in a different way. Wight and Bull were steeped in a tradition of statecraft and diplomacy that required them to explain international relations in terms of a particular language and style of reasoning that was divorced from the more philosophically informed terms that later international political theorists would employ. Thus it was not until Terry Nardin worked through the implications of international society as a kind of Oakeshottian civil association, or Friedrich Kratochwil exposed the logic of international law and norms in quasi-Wittgensteinian terms, or Mervyn Frost set out the legal reasoning behind the notion of a 'settled norm', that many of the ideas of writers such as Bull and Wight could be situated within a broader, more fruitful, context (Nardin, 1983; Kratochwil, 1989; Frost, 1996). The point about the latter three writers is that they are *not* 'normative' theorists

in the sense in which the term is used above – although they all write about norms (and Frost, unhelpfully from my point of view, actually describes himself as a ‘normative theorist’). They are not normative theorists because their positions are, in different ways, profoundly anti-positivist, denying the possibility of the conception of knowledge upon which the positive/normative divide rests.

In short, taken as a whole, ‘international political theory’ is not an adjunct or supplement to conventional international relations theory, but an alternative project starting from a fundamentally different ontology and epistemology. Not, it should be stressed, that only constructivists or anti-positivists produce international political theory. Many of the analytical political theorists who have contributed to the creation of the new discourse come from a very different background and have no particular interest in IR’s ‘culture wars’. What these figures share with the refugees from mainstream IR is above all a commitment to the idea that ‘international relations’ is not *sui generis*, an activity that is so different from other areas of social life that it requires the development of patterns of thought specific to its peculiar circumstances.

Outline and structure of the book

These remarks on the nature of international political theory are, of course, radically incomplete – it is the aim of the rest of the book to give substance to the positions sketched above. The next two chapters provide a certain amount of necessary historical background to contemporary international political theory. A genuinely historical survey of international political theory would be obliged to range very widely over Chinese, Indian and Islamic sources as well as the more conventional beginning of the discourse in the thought of classical Greece and Renaissance Italy. This is a thoroughly worthwhile project, the more conventional part of which has been addressed with some success by writers such as Fred Parkinson, Thomas Pangle and Peter Ahrendorf, and, most effectively, David Boucher (Parkinson, 1977; Boucher, 1998; Pangle and Ahrendorf, 1999). Collections of texts such as that of Terry Nardin, N. J. Rengger and the present writer make the raw materials for such a project more widely available than before (C. Brown et al., 2002). But this volume is not intended to be a historical survey and the aim here is simply to provide the kind of background that will allow the reader to make sense of contemporary writings. After a few preliminaries, chapter 2 therefore begins with the modern states-system, conveniently known as the Westphalia System in honour of the treaties that, more or less, ended the Thirty Years War

in 1648 and are generally, if somewhat inaccurately, regarded as installing the ground rules of the European international system for the subsequent three centuries. This chapter will examine the two characteristic discourses associated with Westphalia, the 'law of nations' and the 'society of states'. These two discourses were set in place in the seventeenth and eighteenth centuries and are thus essentially pre-Enlightenment; on the other hand, many if not most of the categories of contemporary political theory emerge one way or another from the Enlightenment, and the international thought of Enlightenment and post-Enlightenment theorists is the subject of chapter 3 – post-Enlightenment in this case being extended to cover not simply the romantic reaction to the Enlightenment and figures such as Hegel, but also nineteenth-century writers on the state and the nation. Chapter 4 brings the historical background more or less up to date; this chapter is devoted to 'realism' and 'liberal internationalism' in their various manifestations; these are the two mainstays of international relations theory in the twentieth century, and this chapter will elaborate some of the more gnomic comments about IR theory made above.

Contemporary theory proper begins in chapter 5, with a consideration of the various cases that might be made in favour of self-determination and non-intervention, two key, but controversial, norms of contemporary international relations. This chapter will examine the justifications for these norms provided by IR theorists and by those international political theorists who stress the rights of political communities, such as Mervyn Frost, Terry Nardin and Michael Walzer – although each of these writers qualifies these rights (albeit in different ways). A central issue to be examined here is the relationship between states and communities; are the rights of political communities transferable to states, and if so, under what circumstances? Chapter 6 continues this story by examining the potential for violence that exists within a sovereignty-based system. Can the rights of political communities be seen as encompassing the right to employ violence in pursuit of political ends, and if so, under what circumstances and with what restrictions? This chapter will examine contemporary 'just war' theorizing, and also the – strangely neglected – subject of pacifism. It will also examine the relationship between 'force' and 'violence' and the apparently paradoxical phenomenon of non-violent force in IR.

Chapter 7 shifts the emphasis to the individual and rights, with an overview of the emergence of the international human rights regime. The story here is one of the emergence of a very extensive body of international legislation conferring upon individuals rights by virtue of their humanity, along with, in the 1990s and into the twenty-first century, the development of the first hesitant steps towards an effective international mechanism for compliance and enforcement of

rights, with the Rome Statute of 1998 establishing an International Criminal Court to the fore. At the same time, the notion of universal rights has been under attack as a Western, male project, and the politics of international human rights protection becomes ever more complicated. The idea of an effective, enforceable international human rights regime must involve a breach with the norm of non-intervention, and the possibility of humanitarian intervention – humanitarian war even – is the subject of chapter 8. Here, the record of the last decade is examined, in the context of the competing norms outlined in the previous two chapters.

Chapter 9 shifts the focus of concern towards global economic inequality, examining theories of international distributive justice and various accounts of the duties owed by rich (states, individuals) to poor (states, individuals). This discussion draws upon earlier considerations of universal rights, since it is clear that modern notions of rights cannot be restricted to the purely political. The issue of borders, touched upon above, is examined here. Central to the theory and politics of redistribution and international social justice is the extent to which the world can be seen as a single social system, and one of the key issues here concerns cultural diversity and international political theory, the subject of chapter 10. Again this chapter draws upon earlier discussions – it is here, for example, that the East Asian challenge to human rights will be examined. International political theory is centred upon the ‘international’, but increasingly the very notion of the international is put in question by ‘globalization’. Chapter 11 sketches the way in which a post-Westphalian political theory might differ quite markedly from the Westphalian theory that is, for the most part, the subject of the rest of the book, although it should be noted that throughout the text the tension between the norms of Westphalia and actual international political practice will be a consistent theme. Chapter 12 examines the recent rise of an active opposition to globalization, and attempts to pull together many of the general themes of the book.

The intention is that the various topics covered in this book will feed into one another; all international political theory revolves around essentially the same set of problems concerning the relationship between the individual and the community, and topics such as international human rights and the norm of non-intervention, global justice and cultural diversity, are different sides of the medal rather than the discrete subjects that any method of presentation is likely to make them. This means that, although some chapters could be taken in isolation, there is much to be said for reading them in the order in which they are presented. There is, I hope, a coherent story here, but this coherence will only be apparent if the text is treated as a conventional narrative, with a beginning, a middle and an end.

Two general comments are worth making about the various topics examined. First, the temptation to organize the text around a central classification of international thought has been resisted. In an earlier work, the distinction between 'cosmopolitan' and 'communitarian' thought was employed to organize material (C. Brown, 1992a). Although these terms will turn up quite frequently in what follows, this distinction is not, in fact, a suitable basis for classification. It obscures more than it clarifies; too many writers who seem to be in one camp cross over to the other at crucial points. There is a real distinction to be made between cosmopolitan and communitarian thought, but it cannot be made to bear too much weight – and there is no other classification that does much better in this respect. The best strategy seems to be to present arguments and make connections but not to try to impose a classification scheme on the reader – who on past form seems likely to spend more time picking holes in the scheme than thinking about the issues it is supposed to illuminate.

Second, this book does not address in detail the ontological and epistemological issues which have become so important to a certain kind of international political theorizing. One of the features of the literature of international political theory in recent years has been the emergence of very sophisticated and intelligent discussions of the epistemological and ontological implications of constructivism, scientific realism, post-structuralism, Lacanianism and so on for the study of international relations (Ashley, 1984; Walker, 1993; Edkins, 1999; Edkins et al., 1999; Guzzini, 2000). Some of this work is certainly valuable, but, on the whole, it is regrettable that it has come to play so prominent a role. When difficult and complex ideas genuinely illuminate important topics they must be confronted, but difficulty for its own sake is not a virtue and the narcissistic, hermetic quality of much of this work limits its relevance. There are, of course, 'late modern' theorists who have made important contributions to the understanding of the agenda set out above, and whose work is considered in the following chapters, but the temptation to allow the new learning actually to set the agenda has been resisted. Feminist writings have been treated in the same spirit. Feminist writers such as Jean Bethke Elshtain, Catherine MacKinnon and Martha Nussbaum have made important contributions to the literature on global inequality, human rights, cultural diversity and the nature of community and their contributions are recognized, but the idea that there is necessarily a distinctive feminist contribution to be made to all the topics under discussion has been resisted, and, similarly, the option of a separate chapter explicitly devoted to feminist thought has been rejected.

It has been difficult to decide how much knowledge to assume on the part of the reader, at least partly because it is hoped both political

theorists and IR theorists at all levels will find the book of value. Inevitably some presentational compromises have had to be made to avoid either losing the attention of, or talking over the head of, one group or the other. As a result, if occasionally the account of some particular topic, theory or theorist seems either overdone or underdeveloped, the hope is that the reader will make allowances.