

# BETWEEN GLOBAL CITIZENSHIP AND EMPIRE: TOWARD A POLITICAL CONCEPTION OF INTERNATIONAL ORDER

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Since the Cold War, debate in the West over the future of the international order has fixated upon the discourse of moral liberalism. Moral liberals envision a liberal democratic world order, focus on the individual, and invoke the need to secure universal human rights—derived variously from naturalistic, consensus, and functional theories, and construed generally to mean claims to human security (i.e., freedom from fear and want)—as justification for interventionist responses, and to claim moral high ground (i.e., “just war”) in the international arena.\*

During the 1990s and 2000s, two positions within this discourse—the cosmopolitan and the hegemonic—bifurcated the vast majority of Western statesmen, policymakers, and informed citizens participating in public political discussion. While both cosmopolitan and hegemonic moral liberals intend to advance the type of humanitarian internationalism described above, they differ in the means they propose and the concretized institutional ends they seek. The schism staged a “choice” for denizens of the West to resolve.

The cosmopolitans aspire to formally constitutionalize international law to the point of forging a new kind of “world citizenship” capable of guaranteeing such a set of human rights. To the cosmopolitans, the demands of these rights must countervail the traditional demands of state sovereignty and formal international

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\* I use the term “moral liberalism” to distinguish between the specific understanding outlined above, and other uses of the term “liberal.” These include “IR liberalism,” which asserts an empirical relationship between international institutions and international political behavior, “classical market liberalism,” which extracts political principles from the ideal conditions for capital accumulation, “liberal constitutionalism,” which divides power and ascribes rights to guarantee the equal liberty and worth of individuals from their government, and “Liberalism,” which refers to a progressive social-democratic partisan ideology in modern Western nations.

law. For them, the legalistic discourse of sovereignty, and the inherently political nature of international organizations (i.e., that international organizations are ultimately derivative of states with multiple and regularly conflicting interests, values and aspirations) must not be permitted to interfere with humanitarian “rescue” operations in the face of vast and offensive violations of international law.<sup>1</sup> To some, forcing the actual violation of extant international laws (i.e., pursuing unauthorized unilateral “humanitarian” actions)—analogous to civil disobedience—is the only promising course for reform.<sup>2</sup> Regardless, under the cosmopolitan model, the political and legal concept of state sovereignty is reduced to a functional “responsibility to protect” that, should the state default on its obligation, could be appropriated to the global community. This would in turn coordinate the dissolution and subsequent reconstruction of the “failed” state.<sup>3</sup> United Nations reform—meaning mostly measures that legally clarify and materially secure additional resources to “guarantee the effective implementation of resolutions of the Security Council”—is at the heart of this vision.<sup>4</sup> Moreover, cosmopolitans argue that UN action has already borne and legitimized the concept of cosmopolitan global citizenship by recognizing individuals as immediate subjects of international law (i.e., with standing in international courts). To the extent that the “constitutional quality” of the UN Charter and other global compacts are still informal, they further contend it will be through future UN action that the formal constitutionalization of international law is eventually achieved.<sup>5</sup>

By contrast, hegemonic internationalism eschews international law and instead calls for the unilateral action of a benevolent hegemon to catalyze the proliferation of liberal democracy, and guarantee the provision of similarly defined human rights to security and protection. Like the cosmopolitans, liberal hegemons also insist that the discourses of state sovereignty and public international law have become irrelevant. However, they propose replacing the system of states with a project of benevolent imperialism intended to provide the basic physical security owed to individuals across the globe. From this perspective, global governance and “hu-

manitarian interventions” are merely vehicles for the empire’s rule.<sup>6</sup> Writing in *Foreign Affairs* in 1990, Charles Krauthammer heralded the position bluntly:

Why it should matter to Americans that their actions get a Security Council nod from Deng Xiaoping and the butchers of Tiananmen Square is beyond me. But to many Americans it matters. It is largely for this reason that American political leaders must be sure to dress unilateral action in multilateral clothing. The danger, of course, is that they might come to believe their own pretense.<sup>7</sup>

Institutionally, these hegemonic liberals seek to maintain the international structure of formally independent states, but aspire to organize and align them imperially beneath the peace-securing hegemon. Under this model, the internal actions, ambitions, and claims of individual states (including claims to sovereign equality and non-intervention) would be de facto subject to the approval of the hegemon, whose judgment is supreme due not only to its material power, but also an implicit contract it believes to hold with the world’s nations. The world society that hegemonic liberals posit would still be integrated—modern technology and economics, if nothing else, requires that it be so—but only at the level of market interactions and imperial interventions, and not by anything amounting to political relations between sovereign equals, let alone actual world citizens.

On the other hand, constitutional cosmopolitans endeavor to design a highly integrated, law-governed and politically constituted world society. The distinction between internal and external actions of individual states would be blurred, and in any case shaped by the collective attitudes and ideas of a transnational political body. The essence of such a politically constituted world society is that it would be composed both of states and citizens. The flow of legitimation would thus take two paths converging on a single world organization: on the one hand, from individuals qua “national citizens” via a corresponding nation-state to the transnational negotiation system (i.e., diplomacy, partisan politics, civil society organization) that would be “responsible within the framework of

the international community for issues of global domestic politics"; on the other hand, from individuals qua "cosmopolitan citizens" via an international community composed of member states "responsive to their citizens, and to the peace and human rights policy of the world organization."<sup>8</sup>

That neither a hegemonic nor cosmopolitan order has been institutionalized is ultimately due to the indecisiveness of the world's most influential actor. Unable to make a choice that would end the schism, the United States has been left caught in a muddled state of perpetual "choosing" for nearly twenty years. It is no secret that, since 1992, the United States has flirted with both major visions.\* In one respect, the United States has pursued cosmopolitan policies of selective engagement and cooperative security (e.g., UN-sanctioned activities in Somalia, the Balkans, and Iraq, as well as sanctions levied against Iran, North Korea, and others) that have acceded power to the UN. At the same time, the United States has also advanced a decidedly hegemonic agenda (e.g., Iraq).

Without the West's most influential nation consistently advocating a path forward, international order has bent toward the fundamental moral liberalism of the two predominant alternatives. This foundation bears assumptions about politics and the human condition—notable for their effect upon discourses affecting human rights, sovereignty, and political life itself—that portend to embed themselves into any emerging global political formation. Before world order coalesces into such a structure, it is imperative that the assumptions underlying moral liberalism—and their consequences for the social world—are fully evaluated, and that alternatives are fully explored. Criticism of the first wave of moral liberalism provides solid ground for such an effort.

## LIBERALISM AND ITS CRITICS 1919-1939

In the years that followed World War I, moralistic models of

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\* For a breakdown and illustration of U.S. inconsistency, see: Barry R. Posen and Andrew L. Ross "Competing Visions for U.S. Grand Strategy," *International Security*, 21 (1999): p. 3, pp. 5–53.

political order attracted the energies of theorists and the aspirations of statesmen. The Great War, Woodrow Wilson announced in January 1918, “will be recalled as the culminating and final war for human liberty.”<sup>9</sup> We now know that his idealism would lead to tragic disappointment: the explosion of a second total war—this one perhaps even more repugnant than the first—exposed critical oversights in the moral liberal platform that, through the structure of the League of Nations, seemed to have embraced dimensions of both the hegemonic and cosmopolitan varieties.

It was in this context that Hans Joachim Morgenthau (1904–1980) began writing about politics. Morgenthau traced the root of social and political problems in the United States during the interwar period back to the fundamentals of moral liberalism: an aversion to politics and a celebration of the private individual. To him, these were vestiges of the bourgeois classical liberalism forged in early modern Europe. Both classical liberalism and its vestiges, Morgenthau argued, could not be understood outside the context of the former’s origins among early modern Europe’s rising middle classes and their attempt to posit an alternative social and political order that challenged the authority and power of the feudal aristocracy.<sup>10</sup>

The building block of the social theory that the bourgeois liberals constructed was a material and rational individual “self” that possessed tangible interests (above all physical security) and that acted in the calculated private pursuit of those interests. When those interests became stymied by the political power of the aristocracy, the bourgeois liberals, Morgenthau argued, came to identify political action with the aspiration for power, which they in turn associated with “a particular manifestation of a ‘lust’ for domination.” Consequently, classic liberals “identified opposition to aristocratic politics with hostility to any kind of politics.”<sup>11</sup>

In its most basic form, classic liberalism was thus a type of anti-political “market liberalism.” It elaborated a utilitarian ethics that moralized private economic pursuits, as well as a democratic theory that reduced politics into the systematized aggregation of competing interests. Morgenthau contends that the construction divorced individual and social “lifeworlds” from the “political activi-

ties” that were considered part and parcel of aristocratic claims to authority and power. The process of this separation reduced understandings of social and political life into scientific questions of material fact and calculations of interest. Politics, as an autonomous sphere of human activity distinct from the pursuit of self-interest, was subsequently dismissed or devalued in later iterations of liberal thought.<sup>12</sup>

Inheriting this tradition, and rocked by the global carnage of 1914–1917, early twentieth-century moral liberals turned their attention to war as the latest political obstruction to private life and physical security. Politics, which had been reduced by their intellectual ancestors to aristocratic tyranny and an abominable “lust for power,” now became reduced to abhorrently violent interstate aggression. Through broad treaties, narrow pacts, and even attempts at world federation, moral liberals aspired to replace international politics with an international “harmony of interests.”

Ultimately, Morgenthau argued that a mistaken understanding of what political action constituted, and what the human “lust for power” represented, had led to the prompt return of total war when appeasement failed and potential allies, averse to fighting, refused to act early enough. For him, mid-century moral liberals failed to understand that political action was much more than just “power-politics,” and as such could not be expelled from the social world. I interpret Morgenthau to argue that, from the ontological position that it is man’s purpose to encounter his own being, politics constitutes the quintessence of humanity insofar as political action is the activity through which men disclose and assert themselves as equal, unique agents. That the “tragic” ramifications of political activity are not always as elegant as the construction itself, and that sometimes the process of self-determination is sluggish and chaotic, are therefore not justifications to abolish politics altogether. Rather, as Morgenthau seems to assert, we would do best to contain and navigate the tragedies of political action through the adoption of an ethic of responsibility.

Today, in defiance of these intuitions, contemporary moral liberals of both the cosmopolitan and hegemonic variety aspire

to take the project of depoliticization to its furthest extents yet. Through the distinct modes previously described, both point toward the external disaggregation of political communities and the quashing of their internal political activities, ostensibly for their own benefit. Moreover, the content of the universal rights doctrine they both seek to secure fails to assert mankind's need for polity and therefore not only misses the point, but in fact excludes many (i.e., the stateless and/or politically unincorporated) from the enjoyment of these "universal" rights altogether. At the same time, the continued development of this doctrine as an acceptable justification to unilaterally or selectively reject traditional non-intervention arguments provides pretense for speciously benevolent hegemony or imperial coalitions to aggrandize beneath a banner of apparent justice. The menace of total war ultimately rises from the mass graves of the last go-around as the moral stakes for war are once again elevated to the level of absolute imperatives.

The great failure of moral liberalism is thus a failure to grasp the concept of the political. In the chapters that follow, I endeavor to present an alternative that does. To do so, I will reconstruct what I argue is a genuine reading of Morgenthau's international political thought by critically reexamining two generations of interpretations. I argue that Morgenthau's "political conception" of international order has been lost in these interpretations. I call his a "political" conception because the moral values upon which his theory is based are derived specifically from the ontological Aristotelian notion of man as a "political animal," to which I have alluded previously. This usage should not be confused with either the Rawlsian or the power-political senses of the construction.\*

I begin in Section I by retracing the character of Morgenthau's ideas back to the writings and ideas of Nietzsche and Weber,

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\* In the Rawlsian sense, a "political conception" refers to a non-metaphysical "neutral" basis upon which a diverse set of peoples can find an "overlapping consensus" to justify a common concept of justice that can be used to gauge the legitimacy of basic shared political and social institutions. In the power-political sense, a "political" conception is one that considers the constant self-preservatory accumulation of power to be the principal feature of the social world. Neither denotes the particular meaning I assign. For examples of each, see: Rawls, "The Idea of an Overlapping Consensus," *Oxford Journal of Legal Studies* 7 (1987): pp. 1–25; John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: Norton, 2001), pp. 4–8, pp. 39–47.

from whom they rightly derive, developing what I argue is Morgenthau's actual conceptual foundation. In Section II, I then construct an international normative theory that extends from this foundation: a political conception of international order centered on the moral value of political action, the state, and the state-system.

I argue that the international system that emerges from this political conception is legally instituted upon the twin pillars of sovereign-equality and politically conceived human rights. This "dualistic" formation, which reconciles universal human rights with sovereign equality through a program of constitutional pluralism, contrasts with the cosmopolitan position that privileges human rights above sovereignty altogether. It is also at odds with the hegemonic position that combines the moral liberal concept of universal rights with a principle of hierarchical sovereign-inequality. A politically conceived international order thereby depicts a human political status analytically located between the global citizenship and imperial vassalage of the two liberalisms.

Through his vision for such an order, Morgenthau reminds us not to neglect the basic political character of humanity in crafting an international order. His ideas articulate a viable and compelling alternative that speaks to man's political nature, the frequent tragedy of his moral aspirations, and ultimately a cautious optimism for the better angels of his judgment.

## I. THE HUMAN CONDITION AND THE CONCEPT OF THE POLITICAL\*

In what follows, I trace the origins of Morgenthau's political thought to Nietzsche and explore how Nietzsche had influenced Morgenthau's understanding of the political and the human condition in general. I then focus on how Weber's ideas—specifically,

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\* In this chapter, I build upon a selection of recent revisionist literature that more closely examined Morgenthau's theoretical writings, as well as his personal diaries and papers. These include: Christoph Frei, *Hans J. Morgenthau* (Baton Rouge: Louisiana State University Press, 2001), pp. 93-227; William E. Scheuerman, *Morgenthau* (Boston: Polity Press, 2009), pp. 40-195; Michael C. Williams, *The Realist Tradition and the Limits of International Relations* (Cambridge: Cambridge University Press, 2005), pp. 82-127, pp. 169-210.



value pluralism and the ethic of responsibility—refined those conceptions and informed the political ethic that Morgenthau would come to embrace as necessary in a tragic and disenchanting modernity.

### The Tragic as a Condition of Human Existence\*

Morgenthau's sense that the human condition was tragic evolved from a belief in the unbridgeable chasm between human desire and capability, he inherited from Nietzsche. For Morgenthau, it was not our failure to refrain from desire, but rather the fact that certain desires unavoidably fall just out of reach—recalling what Nietzsche called “the irremediable, ineluctable, inescapable”—that describes the tragic condition of human existence.<sup>13</sup> This is a dominant theme throughout Morgenthau's writings. “Suspended between his spiritual destiny which he cannot fulfill, and his animal nature in which he cannot remain,” Morgenthau wrote in *Scientific Man*, “man is forever condemned to experience the contrast between the longings of his mind and his actual condition as his personal, eminently human tragedy.”<sup>14</sup>

Like Nietzsche, Morgenthau worried that the modern West had become not only content with denying the tragic character of the human condition, but also too eager to pursue utopia without regard for the efficacy or consequences of those pursuits. It had become, as per Nietzsche, a definite kind of sickness: “The political and military crises of the thirties and forties . . . are but the outward manifestations of an intellectual, moral and political disease which has its roots in the basic philosophic assumptions of the age.”<sup>15</sup> These assumptions produced an idyllic intellectual fallacy that ignored the permanence of tragic forces in the social world, particularly those that stemmed from political action. For Morgenthau, the permanence of these tragic forces derived from two sources.

First, human beings are simply unable to calculate and control the results of their actions. Once one acts, her action becomes an

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\* This subsection owes much to Frei's translations of Morgenthau's personal writings held at the Library of Congress.

independent force that shapes, and is shaped by, unforeseen contingencies. "While our hand carries the good intent to what seems to be its consummation," Morgenthau writes, "the fruit of evil grows from the seed of noble thought."<sup>16</sup> Since social man owns various moral interests that are intertwined beyond his capacity to understand, "while satisfying one, we must neglect others and the satisfaction of one may even imply the positive violation of another ... Whatever choice we make, we must do evil while we try to do good, for we must abandon one moral end in favor of another."<sup>17</sup> Secondly, in what Morgenthau calls political action, tragedy arises not merely from inevitable, unforeseen, and unintended contingencies, but in fact, "the very essence of the intention and very life-blood of the action."<sup>18</sup> This has to do with the nature of political action as a "distinct sphere of human activity."

### The Political Drive and the Political

For Morgenthau, political action stems from the *animus dominandi*—a "political drive" that he seems to have derived from Nietzsche's will to power. Morgenthau understood the will to power as the fundamental ontological force intrinsic in human nature that drives men to construct a transcendent identity. "It is of the same kind as the mystical desire for union with the universe," Morgenthau wrote of the *animus dominandi*, "it attempts to push the individual beyond his natural limits" toward the "transcendent goal" of self-discovery and disclosure.<sup>19</sup>

It is crucial that the *animus dominandi* can only be satisfied through intersubjective action: fullness can only be attained through the engagement of other beings. This is to say that it is a political drive. Since it originates in the spirit of man, the political is not merely a relationship between individuals, but it is also a quality within individuals that drives them together. To be human is to be *homo politicus*.<sup>20</sup> Until man joins with other beings, "he cannot fulfill himself, he cannot become what he is destined to be."<sup>21</sup> As the human telos, political action constitutes the search and expression of meaning and identity.

It is important to note that, for Morgenthau, the political drive cannot achieve its ontological objectives through violence. The political drive, insofar as it quests for the self-assertion of an individual being's essence in an intersubjective space, necessitates an element of mutual recognition. This is because the *animus domi-nandi* (as manifested through political action) seeks not obedience from other beings, which might be sufficient for self-preservation, but in fact a connection with other beings that affirms the political actor's essence.<sup>22</sup> Once relations enter the realm of physical force, they are no longer "political" activities, and thus lose their value.

The observable outcome of political action is inevitably a contest: agents in a shared space compete to have their disclosed identities, expressed as ideas, dominate one another to establish the basis for a collective union. This is to say that even the most inspiring bonds unavoidably become entangled in what Morgenthau calls "a struggle for power."<sup>23</sup> Here we see why tragedy is present in the motive force behind political action: political action—for which success is measured by "the degree to which one is able to maintain, increase or demonstrate one's power over others"—is almost always incongruous with moral action—the test of which is "the degree to which one is capable of treating others not as means to the actor's ends, but as ends themselves."<sup>24</sup> As the acquisition of fullness comes to entail the partial sacrifice of moral yearnings, and, conversely, as the pursuit of moral conviction comes to interfere with fundamental human aspirations, the human condition becomes ineluctably colored by tragedy.

### The Ethic of Responsibility and the National Purpose\*

While Nietzsche framed the human condition Morgenthau would come to accept as the basis for his thought, it was Weber who outlined the ethic that would be necessary to navigate its severity. Weber defined the ethic of responsibility in "Politics as a Vocation." Speaking in 1918, Weber sought to describe the char-

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\* Morgenthau originally had used the term "national interest." He later revised it in his 1960 *Purpose of American Politics* and began referring to the "national purpose." I do the same.

acteristics of political leadership urgently needed in a German government that, he worried, had become stymied by a “dehumanized” and “detached” bureaucracy that had become rationalized beyond not only service to the public, but indeed service to any political cause whatsoever.<sup>25</sup> The description similarly targeted the would-be reformers—mostly pacifists, socialists, and other leftist groups—whose strict adherence to ideology and unwillingness to compromise prevented them from effectively mobilizing in any real capacity sufficient to catalyze reforms. In contrast to the paralyzing and destructive ethics of ultimate ends that afflicted both the German bureaucracy and potential reformers, Weber promoted an ethic of responsibility:

For [a man who believes in the ethic of ultimate ends], if an action of good intent leads to bad results then, in the actor’s eyes, not he but the world, or the stupidity of other men ... is responsible for the evil. However, a man who believes in an ethic of responsibility takes account of precisely the average deficiencies of people, and he does not feel in a position to burden others with the results of his own actions so far as he was able to foresee them; he will say: these results are ascribed to my actions.

Morgenthau, ever aware of those “ethical paradoxes,” argues that this ethos is the best we have to resolve the tragedy of political action:

What is done in the political sphere by its very nature concerns others who must suffer from unwise action. What is done with good intentions but unwisely and hence with disastrous results is morally defective for it violates the ethic of responsibility to which all action affecting others, and hence political action par excellence, is subject.<sup>26</sup>

At the level of international politics, Morgenthau reformulates this as an ethic of the “national purpose.” According to it, a polity’s normative aspirations and interests are weighed against each other, as well as against universal values, to determine the degree to which each should be pursued according to a prudent evaluation of the consequences to which they are likely to lead.<sup>27</sup> In so doing, an ethic is derived from political reality, and not the other way around.

An ethic of the national purpose acknowledges, as Weber did, “that very frequently, the ‘world images’ that have been created by ‘ideas’ have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest,”<sup>28</sup> and that the greatest nations “have contributed to the affairs of men more than the successful defense and promotion of their national interests.”<sup>29</sup> Thus, though it considers a community’s material interests in universal moral principles such as survival and prosperity, an ethic of the national purpose weighs these against the particular values that the community espouses, as well as certain universal values that transcend individual communities.\* Morgenthau understood nations as complex normatively constituted political communities, functioning first and foremost as forums for self-construction and identity-formation in which individuals have voluntarily joined together on the basis of shared political and cultural beliefs. National purposes can therefore be as diverse as the various moral and political constitutions that a political community may have.† Statesmen subsequently face an array of considerations that must be balanced before reaching a conclusion that may jeopardize some at the expense of others. Thus, the ethical test is whether or not the responsible decision-making agent has prudently evaluated alternative courses of action and weighed potential consequences upon national purposes in reaching her decision.

As might be evident at this point, each political community will have its own distinct national ethic emanating from its own weighted set of values and interests. The variability of value inputs that might supply an ethic of national purpose with its navigational signposts reflects Morgenthau’s value-pluralistic conception of the political and the modern social world, which he also develops from Weber.

## Disenchantment, Value Pluralism, and the Political Revisited

The diversity Morgenthau intuitively derives itself from Weber’s

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\* For Morgenthau, the perpetuation of the conditions necessary for the “good life” to flourish constitute such a universal value. What the “good life” is, and what these conditions are, will be discussed in section three.

† The “basic universal principles” which accompany a political conception of international order and confer legitimacy upon states and their national purposes will be explicated below.

theory of modernity. For Weber, modernity in the West sprang from the rationalization of the world that made it calculable. The revelation of the underlying causal processes of observed phenomena manufactured a fact-value divide that “disenchanted” men of the magical mysteries of religion that had formerly sated his longing to find fullness in material reality, leaving a disenchanted world in which Christianity could no longer function as a transcendent value that bound together the various spheres of human activity.<sup>30</sup> All the other spheres—the political, aesthetic, erotic, intellectual, etc.—were permanently released as separate, equal, and autonomous value spheres with corresponding central values as a result of disenchantment.<sup>31</sup> To describe the situation, Weber draws the analogy of a “return to polytheism,” of gods (value spheres) interlocked in an “eternal struggle” battling each other for human souls. In this schema, individuals can only “bear the fate of the times” and “choose which is god for him, and which is the devil.”<sup>32</sup> Morgenthau puts it similarly: “Nations meet under an empty sky from which the Gods have departed.”<sup>33</sup> The operative word in Weber’s construction is “choose” because it illustrates the basic characteristic of the modernity that Morgenthau adopted: modern beings, and communities, self-select their values from a near infinite catalog.

Within this typology, Morgenthau renders the political sphere to be primary because it is the focal point of human activity. Its unique attributes—access is universal (i.e., humanity consists of political beings) and the content is limitless (i.e., the pursuit of power, in the ontological sense that Morgenthau applies, can take any form by which men seeks to “assert themselves against the world”<sup>34</sup>)—present the potential for democratic flourishing and totalitarian barbarism. On the one hand, Morgenthau is optimistic that the universality and limitlessness of the political promote a high affinity for the development of democratic institutions and activities. “The doctrine of democracy,” he writes eagerly of the political’s indeterminate content, “starts with the assumption that all citizens are potentially capable of arriving at the right political decision and that, consequently, nobody has a monopoly of political wisdom.”<sup>35</sup> To that end, he defends the political against the other

value-spheres whose natural tendencies are to infiltrate the political and “depoliticize” humanity by importing their absolute values (i.e., specific beliefs about religion, morality, and economics) into what is a principally open, indeterminate, and ideally democratic theater of contestation.

On the other hand, however, Morgenthau recognizes the potential maladies embedded into the universality and limitlessness of the political sphere. He insists upon maintaining the robustness of the other spheres so that they can balance against the political to prevent it from consuming them and transforming human communities into “pure political communities” which is to say “total states.” To preserve a democratic political community against the dual specters of totalitarianism and depoliticization, Morgenthau aspired to contain and insulate the various value spheres via self-limitation and the division of power. This practice of “balancing” unique independent competitive units constitutes a basis for a broader theory of international order.

## II. A POLITICAL CONCEPTION OF INTERNATIONAL ORDER

From these conceptual foundations, I argue for a concept of international order centered on the moral value of political action, the state and the state-system. I begin the section by focusing on a series of lectures Morgenthau gave on Aristotle’s *Politics*. These lectures help us to better integrate Morgenthau’s arguments and to draw further connections that illuminate and consolidate his ideas.

I then turn to an exercise in what Rawls has called “ideal theory.”<sup>36</sup> That is, I will build a political conception of international order using ideal units (i.e., the “ideal state,” “the ideal state system”) that function in an ideal fashion (i.e., reasonable competition and collaboration). Ideal theory entails two assumptions. First, that all actors (citizen and societies) generally comply with the principles of a politically conceived international order based on the moral value of political action we have identified. Ideal theory thus idealizes away the possibility of law-breaking (i.e., aggressive war). Sec-

ond, ideal theory assumes reasonably favorable social and economic factual conditions enabling nations to accept the principles in the first assumption. Starting with ideal theory provides us with the optimal example which, through "non-ideal theory," we will reference in order to reform our imperfect reality. Once we understand the ideal principles of international order, we will better see, for example, how the international community should act toward oppressive tyrannies and belligerent states that challenge the peace.

### The Political Life and the Moral Value of Political Action

The political concept of international order I argue for begins with the moral value of political action. As we have seen, Morgenthau believed that political action constitutes a self-disclosing ontological expression: men are driven to political action by the very nature of their being and the exercise of such action fulfills their telos as *homo politicus*. In 1970, Morgenthau gave a series of lectures\* at the New School on Aristotle's *Politics* that elaborated on these beliefs. In them, he also began to express what he considered to be the moral value of the state. "Man cannot achieve his telos outside the state," he said. "The state is essential for the individual's ability to achieve his purpose in life. Without the state, he could not do it."<sup>37</sup> Furthering and replicating Aristotle's teleology, Morgenthau argues that because the political purpose of man—i.e., the "highest good"—depends upon the state, "the telos of the state is not just to ensure the bare survival of the citizens."<sup>38</sup> Rather, "it is not life as such that the state must preserve, but the good life."<sup>39</sup>

Morgenthau's time at the New School overlapped with that of Hannah Arendt, a friend and romantic partner who was herself significantly influenced by Aristotle's political thought. Like Morgenthau, Arendt based her political theory upon an analysis of the human condition. Her schema divides this condition into three fundamental activities: Labor, Work, and Action. The first denotes

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\* These lectures were transcribed and reprinted: Morgenthau, Anthony F. Lang Jr, ed., *Political Theory and International Affairs: Hans J. Morgenthau on Aristotle's The Politics* (Westport: Praeger, 2004).



activities that are necessary to survive, while the second refers to pursuits that seek, or otherwise involve, “artificial” inventions of the human experience.<sup>40</sup> But it is with the third, “Action,” that she is most interested.

In the human condition—which she describes as a “paradoxical plurality of unique beings”<sup>41</sup> sharing the same spatial universe—Action constitutes the self-disclosure of those unique beings through speech, possible only in the presence of others who, “see and hear, and are hence capable of establishing the reality of subjective expression.”<sup>42</sup> As Arendt explains, “In acting and speaking, men show who they are, reveal actively their unique personal identities, and thus their make their appearance in the human world ... The disclosure of ‘who’ somebody is, in contradistinction to ‘what’ somebody is ... is implicit in everything somebody says or does.”<sup>43</sup>

The point here is that Arendt’s “Action” and Morgenthau’s “political action” are analogous concepts that seem to be derived from, or at least partially influenced by, a common reading of Aristotle’s ontology. Most importantly, Arendt, like Morgenthau, advances Aristotle’s position that political action is man’s purpose, the expression of his freedom, and that leading a political life—what Arendt called the *vita activa*—constitutes man’s ultimate aim: the political good life of which Morgenthau spoke. “A life without speech and without action,” she wrote, “is literally dead to the world; it ceases to be a human life because it is no longer lived among men.”<sup>44</sup>

But such a life was just what both theorists found in their evaluation of the “affluent society” that emerged in Western nations after World War II. For them, the same kind of moral liberalism that emerged in the 1920s and 1930s was once again eroding the fullness and imperiling the security of human civilization. The culprits were decadent consumerism and the canonization of private pursuits. As the public and the political became penetrated by the private and the economic,<sup>45</sup> Arendt lamented that, “fabrication has come to occupy a rank formerly held by political action.”<sup>46</sup> “The very concept of happiness which in the Declaration of Independence and *Federalist* refers to public happiness,” Morgenthau wrote

of America in 1960, “now takes on an exclusively private and predominantly material connotation.”<sup>47</sup> Freedom, finally, was becoming sublimated into unworthy chimeras like the unencumbered accumulation of personal property and beliefs about individual inviolability. It took on an apolitical meaning, connoting both anarchy and a chance for unhampered acquisition as well as signifying freedom not only from being ruled, but also from ruling others—the freedom from politics altogether.<sup>48</sup>

For both Morgenthau and Arendt, the interwar period and World War II proved that politics and the political life could neither be denied to individuals, nor ignored by statesmen in their calculations, without terrible consequences. The lesson was not learned by many of their contemporaries. In turning their backs on what they were (i.e., political beings), modern men in the postwar period unknowingly debased themselves by inhibiting the fullest expressions of who they were. To someone that was at one time denied political personhood and subsequently threatened with extermination, the idea that men would voluntarily abdicate their essential humanity was shocking. Reviving, sustaining, and institutionalizing the political life became the guiding principle behind Morgenthau’s political philosophy and the basis for this political conception of international order.

### III. IDEAL THEORY: THE MORAL VALUE OF THE STATE

The state is at the center of Morgenthau’s political conception of international order and its moral value derives from its essential relationship to living the political “good life.” As we proceed, this derivation will shape the kind of state that he valorizes in particular.

In his conceptual vocabulary, the state is the compulsorily organized form of society in modernity.<sup>49</sup> The polis, city-state, and kingdom had all, at one time, functioned as just such compulsory organizations. Drawing from Weber, Morgenthau posits that some level of social organization is always compulsory because domestic peace can only be preserved when a monopoly of violence is established and organized.<sup>50</sup> To Morgenthau, the modern state is the

broadest form of social organization that can realistically secure the resources necessary to provide physical security for its citizens without becoming so broad (i.e., becoming a world state) that it could no longer host a political debate framed by the particular moral and ideological convictions shared by a distinct political community.<sup>51</sup>

But security, as Morgenthau noted is not the source of the state's moral value.<sup>52</sup> Rather, by enabling the individual to experience political community as a continuum in time and space, as a living idea in whose name men act, bestow, and draw benefits, the state facilitates freedom and the political good life.<sup>53</sup> As Arendt explains, the state's *raison d'être* is to establish and keep in existence "a space where freedom as virtuosity can appear, where freedom is a worldly reality, tangible in words which can be heard, and deeds which can be seen, and in events which are talked about, remembered, and turned into stories before they are finally incorporated into the great storybook of human history."<sup>54</sup>

The state's moral value in the context of the political life is therefore three-fold: (1) it provides and secures a public space for agent-disclosing political action; (2) it accumulates, organizes and distributes resources in a manner that enables individuals to access and participate in the public space; and (3) it offers an object toward which political action in that space can be directed. It is the studio, palette, and canvas for *homo politicus*. In the first instance, the state extends institutions to essentially prohibit violence from poisoning the public space of appearances. These include police and military forces, but also communications regulations and positive laws that maintain a civil discourse. The sum of these structures secures what Jean Cohen has called "the internal conditions of possibility for self-determination and self-government under law—i.e., for political freedom."<sup>55</sup>

Because the freedom of the public life further requires the "conquest of necessity," the state in the second instance serves to liberate citizens from the chains of subsistence—i.e., what Arendt referred to as Labor and Work.<sup>56</sup> In modern times, states have developed whole departments devoted to organizing and securing

the private economic lives of its citizens. Central banks, treasuries, and regulation boards all exist in part for the ostensible political purpose of ensuring that citizens have ample resources to be sufficiently available for political participation. Many states have gone further to develop elaborate agencies and transfer programs to provide a base level of subsistence to the destitute. Some advanced democracies have even instituted public access broadcasting, or enacted fair-content requirements, to increase access to the public political forum to those with limited time and resources.<sup>57</sup>

In the third instance, the state functions as a three-dimensional object for political action.<sup>58</sup> As a political community's real, shared entity existing in both space and time, the state constitutes the immediate substance to be shaped and molded by collective action, and simultaneously the physical record onto which words and deeds can be chronicled and celebrated by posterity. Further, and perhaps most decisively, the state as a personality emits an aura of patriotism that dramatizes and illuminates political action with what Arendt called the "shining brightness we once called glory."<sup>59</sup> In each of these capacities, the state constitutes an essential component of realizing the political good life Morgenthau identifies.

It is important to note that a democratic constitution is not necessarily entailed by these criteria to establish moral value. Rather, a state needs only to foster political inclusiveness and extend the experience of political community—i.e., the ability to participate in collective self-determining activities and struggles—to all citizens qua political equals in order to possess moral value, membership in the international community, and, as will be discussed, a legitimate claim to sovereignty.

But within the context of ideal theory, it is the democratic state—one founded upon a republican model that reflects of the basic political equality and aspirations of humans qua speech-beings—that Morgenthau identifies as an ideal-type.\* Morgenthau

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\* Critical republican political theorist Cecile Laborde describes this state as one in which, "all citizens enjoy basic but robust civic standing, in the form of political voice, basic personal autonomy, equal opportunities, material capabilities, and intersubjective mutual recognition as equal citizens." Cecile Laborde, *Critical Republicanism* (New York: Oxford University Press, 2008), p. 11.

further elaborates on what he means by the democratic state in various discussions of the United States, and its founding. Two features endear the United States to Morgenthau as an ideal form. First, the United States is premised on a decoupling of “nation” from “state.” While the former derives from immutable un-willed characteristics of what someone is or appears to be (meaning ethnic, racial, territorial, or otherwise inherited traits of happenstance), the state springs from the willed expression of who someone actually is.\* “The United States,” he writes, “was founded upon loyalty not to a monarch or a piece of territory, but to a shared purpose,”<sup>60</sup> a continued commitment to a shared constellation of values and beliefs substantiates a connection to the polity.<sup>61</sup> Second, the United States is ideally democratic insofar as it “assumes that all members of society have equal access to the truth, but none of them have a monopoly upon it.”<sup>62</sup> Dissent is emblematic of a democratic model that survives because of its value-pluralistic character and essential neutrality.<sup>†</sup>

Morgenthau contrasts this type of epistemic democracy from both the dictatorial and Jacobin alternatives. In the former, a political elite claims to possess a monopoly on truth (and therefore the “will of the demos”), and so justifies concentrating among themselves additional monopolies of power and law.<sup>‡</sup> The elite has then “not only the right, but even the duty to suppress dissent,” for dissent quite literally becomes “tantamount to heresy and treason.”<sup>63</sup> In the Jacobin form, “the will of the majority is the ultimate source of truth in matters political,” and dissent represents a dismissible error in judgment. The suppression of dissent is thus reinterpreted and justified as necessary civic reeducation.<sup>64</sup> For Morgenthau, both alternatives stifle political self-disclosure in an attempt to ho-

\* “The disclosure of ‘who’ somebody is, in contradistinction to ‘what’ somebody is...is implicit in everything somebody says or does.” See: Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998), p. 7.

† “Dissent is legitimate...because of the relativistic ethos that all types of democracy share.” *Ibid.*, pp. 41. See also: Madison, *The Federalist* 10 and *The Federalist* 51.

‡ Morgenthau’s democratic ideation seems to echo Lefort, for whom democracy was signified by an “empty seat of power” beneath which fluid and dynamic opposites competed for influence in a theater of contestation. See: Claude Lefort *Democracy and Political Theory* (Minneapolis: University of Minnesota Press, 1988), pp. 15–17; pp. 256–57.

mogenize diverse beings into a single sterile whole.

By contrast, in the United States, “neither the minority nor the majority is vouchsafed the correctness of its views—both must argue and act on the conviction that they are right, a conviction tempered by the awareness of the possibility that they might be mistaken.”<sup>65</sup> To Morgenthau, where both the majority and the minority, “remain within this relativistic ethos of democracy, while at the same time respecting those absolute objective principles that are beyond the ken of that relativism, the vitality of their contest will accrue to the vitality of democracy.”<sup>66</sup>

Where it exists in such a form, and where it is additionally capable of securing itself and conquering the necessities of its citizens, the state exists in its highest form. For Morgenthau, such states provide the building blocks for a politically conceived ideal state-system.

### **Ideal Theory: The Moral Value of the State-System**

Even if one accepts Morgenthau’s interpretation of the political life and grants that some type of localized, neutral, and democratically organized political community is essential for its realization, it remains plausible to ask, “why a system of territorially autonomous sovereign units”? Are there not, after all, avenues to pursue and preserve self-disclosing political action in other forms of social organization? Could not, for example, a world state facilitate the political life?

In this section, I address why, from a political perspective, a state-system is the ideal form of world order. By exploring why a global state is an insufficient facilitator of the political life, we will be able to more clearly identify the attributes of the state-system that make it the ideal reflection of the human condition, the best institutionalization of the political life, and the most effective curator of them both.

## The Problem of a World State

In the mid-twentieth century, the experience of two world wars and the prospect of a third with thermonuclear weapons stirred up unprecedented agitation toward the formation of a world state. In the context of prolonged unspeakable catastrophe, it makes sense that security was of cardinal import to the statesmen and international scholars of the time. Convinced that only a global replication of the domestic security structure could secure international tranquility, proponents of a world state aspired to concentrate a legitimate monopoly of violence in the hands of a central world authority.<sup>67</sup>

As justified as these proponents' blind prioritization of security might seem in such a situation, their judgment was void of a central consideration: the political. In effect, the object of the world state was, and still is, to eradicate international politics; to prevent different communities from communicating and contesting their disparate and often clashing interests that derive from the plural sets of values and priorities unique to each distinct political community.<sup>68</sup> By overawing the voices of these diverse communities with a reconstituted global Leviathan, the world state denudes political communities of their expressive organs, stifling national conversations and their articulation in foreign policy. No world state can reflect the political organization of the human condition.<sup>69</sup> Rather, the state is the "recipient of man's highest secular loyalties" precisely because it is the embodiment of his most basic political values.<sup>70</sup>

In a value-pluralistic global terrain, a monolithic apolitical world state necessarily obviates the expression, and thereby devalues and defies the formation, of those plural values.<sup>71</sup> The world state values only peace—but whose peace? Peace alone is a hollow virtue. Denied an international theater of independent interaction and halted by the heavy hand of the global sovereign, political communities under a world state become reduced to depoliticized shells with men vulgarized into mere mammals.

The highest forms of human freedom and the expression of

the political life depend upon a fluid, uninhibited vertical dynamic that the world state intrinsically crushes by its very establishment. Only a state-system can simultaneously reflect the diversity of the human condition and facilitate human freedom, while also utilizing characteristics of that system to preserve the conditions that secure diversity and the facilitate that freedom. The sub-sections that follow explore these aspects, respectively.

### Sovereignty as an Expression of The Political

Within common law, the concept of sovereignty legally expresses the independence and basic equality of political communities in their legally organized forms. In these capacities, sovereignty transfers into law the political fact that all political communities are comprised of persons endowed with speech and equal in their capacity to contribute to the staging and execution of public life. In the first instance, sovereignty imbues states with a type of legal independence to institutionalize their distinct political character. This manifests at a basic level through the sovereign state's supreme authority within a certain territory. More decisively, this means that a state is free to arrange its institutions and manage its internal and external affairs according to its discretion.<sup>72</sup> This includes, Morgenthau writes,

The right to give itself any constitution it pleases, to enact whatever laws it wishes regardless of their effects upon its own citizens, and to choose any system of administration. It is free to have whatever kind of military establishment it deems necessary for the purposes of its foreign policy, which, in turn, it is free to determine as it sees fit.<sup>73</sup>

In this positive dimension, sovereignty thus reflects the ability of a political community to freely and voluntarily define and project its values as interests in policy. Sovereignty in this respect dignifies the self-determining political beings that comprise a political community, and also recognizes the diversity intrinsic to the human condition. In the negative dimension, these principles are reinforced by the doctrine of non-intervention.



In the second instance, sovereignty creates a category of legal equality. The “sovereign equality” of states is the basic principle of international common law,\* and it is operatively manifested through the appearance of reciprocity structures: for example, in treaty-making, it surfaces through the doctrine of reservation; in diplomatic relations, through dual consent procedures; and in international adjudication and arbitration, through dual-consent or mutually pledged compulsory jurisdiction.<sup>74</sup> That similar structures are embedded throughout international common law signifies that equality is a fundament of the state-system.<sup>75</sup> In practice, the construction gives Panama an equal voice with the United States; symbolically, it legally imbues political communities with the same moral equality in *marco-form* that speech-beings share in the human condition, valorizing both the diversity of the human condition and the dignity of the political speakers.<sup>76</sup>

### Sovereign-Equality and the Division of Power

For Morgenthau, the appeal of equilibrium seems to derive from Aristotle’s adage that virtue springs from self-limitation.<sup>77</sup> In the international case, this refers to the virtue achieved when no single state can overwhelm the whole by dissolving, or subsuming, all the other various political communities into itself. More specifically, the appeal of an organic mechanism within a system composed of independent states possessing diverse energies and interests, is the possibility to achieve stasis within that system without impeding either the plurality of political convictions or the autonomy of the states issuing them. Through the self-regulation of power “balancing” (i.e., the fluid alignment and realignment of sovereign units to sustain and equilibrium in which power remains divided) the state-system of sovereign independent units is therefore able to perpetuate itself, maintain the pluralistic character of the human condition, and secure the political integrity and self-determination of the states composing it.

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\* It is certainly the foundational principle of the United Nations: “The Organization is based on the principles of the sovereign equality of all its members.” (Article 2.1, U.N. Charter).

Functionally, and most importantly, a system of sovereign states is dynamic enough to resist “great power predations,” while stable enough to withstand fluctuations in the moral and political attitudes of human communities.\* The idea is related to Morgenthau’s belief that, sociologically, the spheres of human activity in civil society need to be robust enough to counter the potential expansion of the others, and that, in a democracy, broad pluralism can be utilized to stage a contest that sustains democratic life by keeping power “an empty place.”<sup>78</sup> The broader point Morgenthau makes in both instances is that equilibrium can be orchestrated between a pluralverse of autonomous units to secure the conditions (i.e., a division of power that blocks predation) necessary for the political good life to flourish.

But the division, or “balance,” of power is not a natural outgrowth of the international structure. Rather, it is a technique dependent upon the calculations and judgment of statesmen according to an ethic of national purpose (i.e., an ethic of responsibility) that fully considers the tactical and ethical consequences of their action, or inaction, upon not only their particular interests and values, but also universal values like the preservation of the state-system and the conditions necessary to cultivate the political good life.<sup>79</sup> These product of these considerations may at any point urge the formation of alliances, augmentation of armaments, redistribution of materiel, as well as diplomatic machinations, symbolic displays and—when the integrity and continuity of the state-system is threatened altogether by predatory imperialism or inexcusable tyranny that challenges the political lives of all peoples—even full-fledged intervention and combat.†

## Non-Ideal Theory: Imperialism, Despotism and War

To this point we have been concerned with ideal theory. In

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\* Jean Cohen finds moral value in the state-system for this reason as well. See: Cohen, “Rethinking Human Rights, Democracy and Sovereignty in the Age of Globalization,” *Political Theory* 36.4 (2008), p. 591.

† Morgenthau describes the World Wars as an instance of the latter. See: Morgenthau, *Politics Among Nations*, 5th ed. (New York: Knopf, 1973), pp. 215-18.

extending a political conception of international order, we have developed an ideal conception of the conditions necessary to facilitate what we have been calling the “political good life,” including its institutional and legal manifestation through the sovereign state system. A complete international normative vision, however, develops through questions arising from the non-ideal features that exist in reality. Beginning from the premise that there are at least some ideal political communities who themselves abide by, and hope to see all others eventually accept, the principles underlying the conditions necessary to facilitate the political good life globally, the task of non-ideal theory is to ask how these essentially democratic political communities should engage the other communities that do not abide by those principles, either at all or in their highest form. Our treatment of non-ideal theory in this section proceeds in two parts. First, it considers the problem of “imperial states” that pursue predatory foreign policies incongruent with the legal (i.e., territorial sovereignty and non-intervention) and moral (i.e., pluralism and human freedom) principles of a politically conceived international order. Second, it considers the trouble presented by “despotic states” that are internally ordered, and which frequently act toward their own citizens, in defiance of those same principles. In the course of this second consideration, a third dilemma—that presented by non-ideal, but non-despotic states (i.e., those that are non-democratic yet legitimate)—is also considered.

### Imperial States and Defensive War

An imperial state, in abrogation of legal and political principles, seeks to impress its will upon other states at the expense of those states’ capacity to will independently. This type of action—whether by actual territorial expansion pursued with armed force or by significant interference in the essential internal politics of other nations—necessarily introduces violence into international politics by silencing the autonomous political agency of the other political communities (and the persons therein) that are its objects.\*

\* Morgenthau discusses the various modes and expressions of imperialism in Chapter 5 of

In whatever degree, the imperial state thus demeans the political potential of individuals and their capacity to conduct themselves as citizens. Such action further reduces the pluralism in the global arena and, in the gravest circumstances, risks upsetting the stability of the state-system altogether by threatening to “occupy” (in the Lefortian sense) the global seat of power. Its mobilizations may therefore legitimately invite swift military retaliation, or indeed preemptive military action, to sustain or “otherwise” reequilibrate relations.

Non-intervention, a property of the moral value of the state, represents and transfers the political autonomy of the individual as a self-determining speech-being to the legal level of the community. Violent action—which constitutes non-political action aimed at subjugation, and which in fact undermines political activity altogether—forfeits a state’s claim to non-interference and permits, and may even invite, third-party intervention into its conduct. For example, a creditor state that moves to occupy a neighboring debtor state on the claimed basis of unpaid debts cannot offer its balance sheet as justification for its action.\* The act of territorial incursion, by crossing the categorical threshold into violence, forfeits any sovereign protections for the negotiation of that debt and invites third-party actors to intervene in the affair.

A political conception of international order consequently realizes that war is a legitimate political instrument in certain circumstances, and that there exists a clear, limited yet permanent need for war, no matter how states organize themselves (i.e., democratically, tyrannically, etc.). Early twentieth century moral liberals, in eager adherence to the ideas Kant developed in his essay “Perpetual Peace,” had perilously equated democratic self-governance with peace and enlightenment. They went so far as to outlaw all wars except for those that pursued democratic “liberation,” with the idea that a world of democracies would decide that force is an obsolete instrument for the practice of international relations.<sup>80</sup> Morgenthau, in asserting the permanence of a limited right to war,

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*Politics Among Nations*. On this point, see also: Cohen, “Rethinking Democracy, Human Rights and Sovereignty in the Context of Globalization,” p. 591.

\* See for instance Iraq and Kuwait in 1991.

was supremely critical of their conclusions. First, he rejected the notion that the proliferation of democracy would be sufficient to vanquish war once and for all. "The question of war and peace is decided in consideration of permanent factors [geography, national character, tradition, the distribution of power] regardless of the form of government under which a nation happens to live."<sup>81</sup> War, he insisted, was a permanent if tragic feature of international politics, and nations, of whatever constitution, could be peaceful under one set of circumstances, and aggressive in another.<sup>82</sup> Moreover, it is worth noting that accepting a doctrine of "democratic peace" creates a difficult-to-falsify claim that an imperial state might make to justify its belligerent ambitions. Similarly, by establishing a category of democratic war premised on morality, moral liberals amplify the stakes of combat, excessively dramatizing war to the level that the means and ends of total warfare become justifiable objects. In a nuclear age, this is a dangerous norm to embed.

Second, Morgenthau argued that the undesirability of establishing perpetual peace made attempts to abolish war by voluntary pacts of absolute abstention foolish overtures that imperiled the division of power as well as the conditions necessary for the political good life to flourish. "Liberal governments," he wrote, "have fought their wars not upon a free choice between war and peace, nor at the moment most propitious to them, but upon the initiative of non-liberal governments."<sup>83</sup> For Morgenthau, liberal U.S. policymakers' general aversion to war-fighting masked the fact that a war against imperial fascism was a war enjoined by the national purpose of the United States, which is to say the universal principle to preserve the division of power and halt imperial states. "To deny that Fascist imperialism constituted a threat to the American purpose at home and abroad," Morgenthau wrote, "was to deny the evidence of one's senses."<sup>84</sup> Deluded by an ideology that had been reified in law through meaningless agreements like the Kellogg-Briand Pact (1928), U.S. leaders who "did not want to fight in 1931 or 1935 or 1938 on [favorable] terms," had to fight in 1941 "on the terms of the enemy."<sup>85</sup>

Similarly, attempts to definitely codify binding legal cat-

egories of legitimate war-fighting are problematic insofar as they inevitably run up against the reality of political events that only human judgment can navigate. To Morgenthau, these attempts to legally define and standardize an absolute category of *bellum injustum* sacrificed human judgment to a vain legalism.<sup>86</sup> At the precipice of war and grave consequence, only man's imperfect wisdom can evaluate alternatives, select the most prudent, and execute accordingly. While international criminal laws may be useful conduits to aggregate world judgment and establish norms for what constitutes illegitimate and imperial exercises of war power, they cannot—as interwar moral liberals sought, and as their modern-day counterparts still seek—a priori prohibit war-fighting altogether.<sup>87</sup>

Rather, in accord with a political conception of international order that recognizes states as the principal agents in international affairs, it falls upon the community of nations to adjudicate the legitimacy of controversial international actions that violate principles which transcend individual jurisdictions, deliberate possible courses of remediation, and generate consensus upon the chosen response, be it punitive, interventionary, or otherwise.

Some may find this construction uneasy and prone to issue arbitrary and inconsistent judgments. But the unease some may find with this construction comes, Morgenthau writes, from a failure to accept the ineluctable tragedy of political action:

In the combination of political wisdom, moral courage and moral judgment, man reconciles his political nature with his moral destiny. That this reconciliation is nothing more than a *modus vivendi*, uneasy, precarious and even paradoxical, can disappoint only those who prefer to gloss over and to distort the tragic contradictions of human existence with the soothing logic of a specious concord.<sup>88</sup>

Moral dilemmas are inherent in political action, and especially difficult to resolve when it comes to identifying and remedying imperial states. Faced with these dilemmas, a politically conceived international order chooses to resolve them through human judgment equipped with an ethic of responsibility rather than a "soothing," but ultimately disengaged legalism. It trusts the politi-

cal judgment of statesmen, and citizens, to weigh unquantifiable competing values and make the responsible choices.

### Despotic States, Human Rights, and Permissive Interventions

While for the past fifty years, the world has been generally successful at containing the territorial and political ambitions of imperial states, it has been less effective at dealing with the despotic states that continue to terrorize, oppress, and even murder persons, including their own citizens, within their borders. The central complication plaguing efforts to address these states is an unclear standard for despotism. Imperialism, while perhaps not as clear as “aggression” as defined in international law, is by contrast a simple identification. A common but circular response is that despotism exists wherever human rights are violated, which is to say when foreign parties are motivated to intervene.\* A political conception of international order strives to at least partially remedy this confusion by developing a clearer conception of what constitutes a human right. In fact, there is not only a cogent political conception of human rights embedded within Morgenthau’s thought, but also one that suggests motivations for what we might deem as humanitarian intervention.

Morgenthau presented his ideas on human rights and humanitarianism most clearly in a lecture at the Carnegie Council’s Center for Religion and International Affairs in 1979.<sup>89</sup> Though he affirmed to his audience that “there are basic moral principles applicable to all human beings,” he cautioned that these principles could not be expressed in terms of “natural” rights because such constructions necessitate reference to theological sources that “have very little to do with a philosophy.”<sup>90</sup> Rather, for Morgenthau, rights can only be intelligible if they are conceived politically with reference to the collective actions and commitments of some political community:

I object to the concept of rights. The concept of rights already presupposes a society that gives the rights. When you talk about

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\* See the example cited in: Cohen, “Rethinking Democracy, Human Rights and Sovereignty in the Age of Globalization,” p. 584.

natural rights, you assume the existence of a Divinity that is the King of the universe, in which there are rights.<sup>91</sup>

Man's right to have rights therefore involves membership in such a political community (the "society that gives the rights") because he is a "political animal." We have human rights not because we are, but rather because of what we are: political beings who require a community to disclose themselves and to encounter the meaning of freedom. Though the extent and content of the rights men give themselves will vary, as Morgenthau notes, "both in time and place," the decisive aspect is that men have the opportunity to give themselves rights at all, that is, to belong as members to a political community.

But what kind of membership? Joshua Cohen, in positing one version of "politically conceived" human rights, argues that membership entails self-determination. He interprets this to mean access to a political process that responds to the diverse interests and opinions of those subject to the laws and policies of the government.\* He further interprets self-determination to create human rights to dissent, expression, and even the right to receive justifications for public policies. Cohen claims that this threshold for membership does not amount to a "human right to democracy" because it still allows for polities (perhaps those that Rawls typifies as "burdened societies" in *The Law of Peoples*) to develop internal orderings that do not reflect an association of political equals. Yet, his broad construction, with its lofty threshold, greatly infringes upon the political principles embedded in the legal concept of sovereign equality.<sup>92</sup>

A more suitable political conception of human rights, and one which seems to better correspond to Morgenthau's position, derives from the principle of membership as inclusion.† This construction is perhaps best illustrated through the example of state-

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\* See: Joshua Cohen, "Is There A Human Right to Democracy?" in *The Egalitarian Conscience: Essays in Honor of G.A. Cohen*, ed. C. Synnwich (Oxford: Oxford University Press, 2006), pp. 226–48. For similar criticism of Joshua Cohen's position, see: Jean Cohen, "Rethinking Democracy, Human Rights and Sovereignty in the Age of Globalization," pp. 585–86.

† Recall that this was the minimum standard, alluded to earlier, of what conditions would be required for a state to possess moral value and thus make legitimate claims to sovereignty.



less persons. As Morgenthau noted, without the state, individuals cannot achieve their purpose as political beings.<sup>93</sup> This is because statelessness entails the loss of the relevance of speech and that of all human relationships. Men are only men insofar as they command the power of speech and live in a community. Excluded from political conversation, and de facto removed from political communities, stateless persons are lonely figures trapped outside the pale of human interaction. Denied access to the public realm, stateless persons lose their essential humanity and become easy targets for propagandists, tyrants, and demagogues. Only the loss of a polity itself, in this sense, expels men from humanity.

Here we observe a contrast with the earlier discussed example of the man trapped in a less-than-democratic state. That man, though his voice is muffled by tyranny, still possesses his basic ability to speak and protest. Ignored and beaten, such a man still joins his compatriots in ancient song, *Hine ma-tov u'ma-nayim, shevet akh-im gam ya-had*—"how good and sweet it is when brothers dwell together in unity!"<sup>94</sup> Meanwhile, the stateless man has no brothers with whom he may dwell, no song to be sung, and no protest to stage. They are, as Morgenthau was, "*ausgeschlossen und ausgestossen*" (excluded and expelled).<sup>95</sup> To speak of human rights is therefore to speak of the right to access an arena in which, as Michael Walzer described it, "freedom can be fought for, and sometimes won."<sup>96</sup>

A despotic state, therefore, is one that exerts exclusionary pressures on a community to the point of committing it to a political death.\* The Holocaust, for instance, was a "moral outrage"<sup>97</sup> to Morgenthau which, unlike other moral judgments of political action, could not be relativized and tolerated as a product of "diverse attitudes" toward to the value of human life. The organized depoliticization of the Eastern European Jewish community that culminated in their "mass extermination," Morgenthau wrote in 1948, must be abhorred "by virtue of an absolute moral principle

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\* To reformulate an earlier point, we might say that the danger in what Morgenthau typified as "nation-states" can thus be restated as the risk that they will lapse into "despotism" by excluding certain populations from public life on the basis of the ethno-nationality.

the violation of which no consideration ... can justify."<sup>98</sup> Their total dehumanization and near elimination, Morgenthau wrote, "was based upon something different from religion."<sup>99</sup> That is, the fact that, "a Jew, by his very existence, denied the universalistic aims and philosophies" of the Third Reich, and was therefore unfit to participate in public life.<sup>100</sup> Political and eventually physical annihilation "became inescapable" because the Jews, like the Roma, gays, and other non-Aryan groups, represented a pluralism that the Reich could not justify.<sup>101</sup>

Understood in this way, sovereign equality cannot be claimed by states to shield themselves from interventionist action should the community of nations agree that a violation of the principle of membership has occurred. Genocide treaties have begun to accumulate what amounts to a similar principle, though a political conception advises future authors to carefully specify the inclusive political grounds (opposed to vague statements about human dignity and the value of life) upon which the protections in their treaties are based. It would be better to codify such a principle, appropriately substantiated with proper references to political inclusion, into hard international law. Any such codification or treaty should ultimately make clear that any violation of human rights (i.e., exclusion, political death) is subject to international intervention should a properly constituted body representing the international community confirm such a violation.

A different calculus applies to proposed interventions targeting non-democratic, but non-despotic states (i.e., non-ideal yet legitimate states). Contra those who might claim that a "human right to democracy" justifies such interventions, a political conception holds that the universal validity of the democratic political ethos can be realized if, but only if, democracy is independently ascertained and pursued through the self-determined political action of the people. If there exists the possibility of influencing the laws and institutions that govern them (i.e., access to a theater of contestation as political equals), it is for the members of the self-asserting political community to ensure for themselves that the claims made in that theater are ultimately respected by the government. "All human

beings want to be free, and, hence, want to have those opportunities for self-expression and self-development," Morgenthau wrote.<sup>102</sup> A political conception of international order thereby holds democracy to be an idea to which all men intuitively aspire. Self-development, as a principle of democracy, therefore requires democratic states to limit their proliferative activities to what amounts to a type of passive evangelization. Unlike Wilson and contemporary hegemonic liberals who wanted "to transform the world through the will of the United States," Morgenthau held that it is the obligation of democratic states to "attract the rest of mankind through their example," and not to "impose" these principles upon other nations.<sup>103</sup> To do otherwise and intervene wherever authoritarianism existed would be to deny members of a political community the opportunity to determine for themselves their government, laws, and, as Jean Cohen points out, the "learning processes entailed by their struggles (including the ability to compromise) to create a more inclusive political process, more just laws, and new interpretations of rights."<sup>104</sup>

Morgenthau, in his day, held that military force could not be levied in Vietnam to halt or install ideas that are "political in nature."<sup>105</sup> While it was reasonable to oppose the Soviets in Europe, where throughout the Cold War there was a tangible military threat that the Russians would expand imperially through Berlin and along the Iron Curtain, the ideological nature of the "threat" in Southeast Asia did not merit even limited combat.<sup>106</sup> The values chosen and expressed by the Vietnamese polity were, in other words, for the Vietnamese to decide for themselves and not for the United States to oppose or demean. To do otherwise would depoliticize the Vietnamese political community and deprive its citizens of their most basic political agency. As the major power in that region, Morgenthau believed it was natural that Chinese communist ideology would influence the thinking of self-determining Vietnamese in the construction of their own government and the formulation of their political values. The United States needed to recognize this political and cultural influence "as a fact of life," and focus instead on rhetorically and diplomatically encouraging democratic elections in Vietnam that would allow the country to flour-

ish as a Titoist state, free from the imperial regional ambitions of either the Soviet Union or China.<sup>107</sup> “Those universal principles,” Morgenthau wrote, “were not to be exported by fire and sword if necessary, but they were to be presented to the rest of the world through...successful example.”<sup>108</sup>

A politically conceived international order thus only consents to a limited category of “humanitarian intervention.” Additionally, against the assertions of some of the more enthusiastic cosmopolitan liberal theorists like Kor-Chak Tan and Carla Bagnoli, a politically conceived international order holds that potential “humanitarian” actions incited by despotism are by no means morally obligated.\* As Morgenthau said at the CRIA lecture, “the normative force of the [universal moral] code is qualified by potential considerations. I mean what we call circumstantial ethics.”<sup>109</sup> As Stephen Wertheim rightly observes, though the language of absolute obligations “enchants us,” drawing as it does on a “moral purity that aspires to transcend the political,” such ethics of ultimate ends focus upon whether we are moral, not how to act to actually benefit others.<sup>110</sup> The decision to act, or in this case intervene, must not be decoupled from considerations of how that action or intervention will be executed. If these considerations of the “how” reveal consequences and scenarios that exacerbate the evil or undermine the objectives of the action altogether, then the action should not proceed. From the perspective of a political conception, this is the ethically responsible decision. The blind establishment of a duty to confront evil as a reflexive norm of international politics (i.e., an incontrovertible “responsibility to protect”) would, in its defiance of politics, divert attention from helping victims to challenging evil-doers themselves. Even when it is substantiated by the appropriate precepts and perspectives, such a backward, decadent humanitarianism that in a sense glorifies the righteousness of liberators above the welfare of the damned cannot be countenanced. Judgment, uneasily, remains a statesman’s best and only recourse.

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\* See: Kor-Chak Tan, “The Duty to Protect,” in *Nomos XLVII: Humanitarian Intervention*, eds. Terry Nardin and Melissa S. Williams (New York: NYU Press, 2006), pp. 84–116; Carla Bagnoli, “Humanitarian Intervention as a Perfect Moral Duty: A Kantian Perspective,” in *Nomos*, pp. 117–40.

## IV. BETWEEN GLOBAL CITIZENSHIP AND EMPIRE

Contra the liberal cosmopolitan and liberal hegemonic positions, the above political conception posits a “dualist” concept for international law and order. This concept reconciles human rights as inclusion (which legally represent man’s need for the polity) with sovereign-equality (which legally represents the equal status of political beings and the diversity of possible value-orientations in a post-differentiated modernity). The dual basis for this international order creates a new human legal-political status between the global citizenship of the cosmopolitan liberals, and the imperial vassalage of the hegemonic liberals.

## Legal Concepts for International Order

In the cosmopolitan model that Habermas describes, individuals are doubly citizens of a polity and a global community. By contrast, under the dualist concept of international law espoused by a politically conceived international order, individuals are exclusively citizens of a sovereign state. However, all of those states, without relinquishing their sovereign status, are themselves subject to the selective penetration of global governance institutions and international laws.

The reconciliation of the seemingly antithetical proposition is accomplished by embracing what Neil Walker and Jean Cohen term “constitutional pluralism.”\* Constitutional pluralism begins from the premise that there have been “shifts in the substantive rules of sovereignty” as a result of “the emergence of a functionally differentiated autonomous global legal order” that makes its own claims to autonomy, supremacy, and constitutional quality “alongside the continuing claims of states.”<sup>111</sup> It is thus feasible to decouple the internal supremacy of a state’s laws from the idea that states possess exclusive legal jurisdiction over their persons and ter-

\* See: Neil Walker, “The Idea of Constitutional Pluralism,” *Modern Law Review* 65 (2002): 3; Jean Cohen, “Sovereignty in the Context of Globalization: A Constitutional Pluralist Perspective,” in *The Philosophy of International Law*, eds. Samantha Besson and John Tasioulas (New York: Oxford University Press, 2010).

ritories.

This is not to propose a radical redefinition of state sovereignty. Sovereignty, as has been argued, is a powerful normative category that extends beyond basic moral principles to protect the self-determining actions of members of a political community. It preserves their capacity to judge and amend the character of their government and its institutions as they see fit. Sovereignty cannot be reduced, for example, to a “responsibility to protect.”<sup>112</sup> Rather, the move to a “pluralist” or “dualist” approach recognizes that the sovereignty argument is not unfalsifiable and indeed limited by universal political values (i.e., human rights as inclusion) consistent with the normative political principles that justify the sovereignty argument in the first place. As alluded to in the preceding section’s discussion of how the international community should engage imperial and despotic states, a constitutional pluralist position merely establishes that the international political community may legitimately refer to international law to reject a state’s sovereignty argument and justify interventionist or punitive action.

As Jean Cohen notes, global governance institutions, especially those with coercive power (i.e., those currently possessed by the UN Security Council), need to be universally inclusive and operate using rules and procedures that incorporate the inputs of all states.<sup>113</sup> This would prevent a partial transference of jurisdiction from abolishing sovereignty while ensuring that decisions that reject the sovereignty argument still legitimately represent the consensus of the international community. Without this step, the legality, legitimacy, and general concert of the politically conceived international order falls apart. A general prescription of this thesis is therefore an exhortation to immediately begin the hard process of reforming these institutions.\*

To be sure, the application of an inclusive principle contrasts with other noted concepts for international order (namely Rawls’ in *The Law of Peoples*) by avoiding the “creation of radical rightlessness

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\* Since, as with domestic political institutions, these global governance institutions will be “susceptible to hegemonic capture,” democratic reforms that keep power divided also seem to be appropriate. See: *Ibid.*, p. 597.

and lawlessness zones" (i.e., the designation of what Rawls called "outlaw states") that fall outside the coverage of international law because they fail to accept the basic principles that undergird the international system.<sup>114</sup> Contra Rawls, criminal governments and persons are subject to the sanctions of international law under a politically conceived international order "precisely because" they are members of international society.<sup>115</sup> This adds not only the benefit of internal theoretical consistency, but it also avoids what Morgenthau considered the risk of excessively amplifying the brutality of conflict and punishment through the implicit "dehumanization" of agents and entities labeled "outside" of humanity.<sup>116</sup>

The human political status created by a politically conceived international order is therefore one that sidesteps global citizenship (by salvaging a concept of the political through its legal representation in sovereignty) and vassalage (by categorizing the imperial hierarchy proposed by hegemonic liberals as a violation of basic normative principles). It affirms and secures the political dignity of individual citizens, including protections from the predations of their own governments.

Against the false choice between cosmopolitan and hegemonic liberalism, this political conception shows an appreciation for man's political nature and his need of polity by concurrently celebrating and institutionalizing the eminent goodness of the public political life. Since the end of the Cold War, influential democratic states have regularly neglected the long-term ramifications of their actions in their haste to confront evil. As the normative structure of the social world has consequently bent toward the liberal discourse of human security, the extension and cultivation of the public political life—the "good life"—has been imperiled. Without a robust alternative to compete with dialogically, it is unsurprising that the liberal discourse has so far prevailed. Ideas must be mobilized that can supply an alternative to challenge existing liberal modes of thought and salvage the political life from decadence, despotism, and hegemonic usurpation.

## Notes

- 1 Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2004), pp. 67–85; and Fernando R. Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (Dobbs Ferry, N.Y.: Transnational Publishers, 1997).
- 2 Allen Buchanan, *Justice, Legitimacy, and Self-Determination* (New York: Oxford University Press, 2004); and Buchanan, "Reforming the International Law of Humanitarian Intervention," in *Humanitarian Intervention*, eds. J.L. Holzgrefe and Robert Keohane (New York: Cambridge University Press, 2003), pp. 130–73.
- 3 Jean L. Cohen. "Whose Sovereignty?" *Ethics and International Affairs* 18 (2004):13, pp. 6–7.
- 4 Jürgen Habermas articulates a compelling version of the constitutional cosmopolitan position in two recent essays. See: Jürgen Habermas, "Does the Constitutionalization of International Law Still Have a Chance?" in *The Divided West* (New York: Polity, 2008); and, Habermas, "The Constitutionalization of International Law and the Legitimation Problems of a Constitution for World Society," *Constellations* 15 (2008): 14.
- 5 Habermas, *Divided West*, pp. 172–73.
- 6 Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000). See also special issue ("The Revival of Empire") of *Ethics and International Affairs* 17 (2003): 2, pp. 34–98; and Michael Ignatieff, "The Burden," *New York Times Magazine*, Jan. 5, 2003, p. 22.
- 7 Charles Krauthammer, "The Unipolar Moment," *Foreign Affairs* 70 (1990–1991): 1, p. 26.
- 8 Habermas, "The Constitutionalization of International Law and the Legitimation Problems of a Constitution for World Society," pp. 448.
- 9 Woodrow Wilson, quoted in Hans J. Morgenthau, *Scientific Man vs. Power Politics* (Chicago: Chicago University Press, 1946), p. 52
- 10 Morgenthau, *Scientific Man*, p. 160.
- 11 *Ibid.*, p. 45.
- 12 *Ibid.*, pp. 15–16.
- 13 Friedrich Nietzsche, *Collected Works*, 72:20, quoted in Frei, H.J. Morgenthau, p. 187.
- 14 Morgenthau, *Scientific Man vs. Power Politics*, p. 221.
- 15 *Ibid.*, p. 6.
- 16 *Ibid.*, p. 188.
- 17 *Ibid.*, pp. 189–90.
- 18 *Ibid.*, p. 195.
- 19 *Ibid.*, p. 194.
- 20 Frei, p. 9.
- 21 *Ibid.*
- 22 Morgenthau, *Über die Herkunft des Politischen aus dem Wsen des Menschen*, Manuscript, (HJM-B151): 5, p. 43. Translated and quoted in: Vibeke Schou Tjalve, *Realist Strategies of Republican Peace* (New York: Palgrave Macmillan, 2008). See also Morgenthau, *Science: Servant or Master?* (New York: New American Library, 1972), p. 32.
- 23 Morgenthau, *Scientific Man*, p. 195.
- 24 *Ibid.*, p. 196.
- 25 Max Weber, "Bureaucracy," in *From Max Weber*, eds. Hans H. Gerth and C. Wright Mills (New York: Oxford, 1946), p. 215.
- 26 Morgenthau, *Scientific Man*, p. 186.
- 27 Morgenthau, "Another Great Debate: The National Interest of the United States," *American Political Science Review*, 46 (1952): 4, p. 988.



- 28 Weber, "The Social Psychology of the World Religions," in *From Max Weber*, p. 280.
- 29 Morgenthau, *The Purpose of American Politics* (New York: Knopf, 1960), p. 8.
- 30 Weber, "Science as a Vocation," in *From Max Weber*, p. 149.
- 31 *Ibid.*, p. 154.
- 32 *Ibid.*, pp. 148–49. Emphasis added.
- 33 Morgenthau, *Politics Among Nations*, p. 249.
- 34 Morgenthau, *Science: Servant or Master?*, p. 31.
- 35 Morgenthau, *Scientific Man vs. Power Politics*, p. 144.
- 36 See: Rawls, *The Law of Peoples* (Cambridge, Mass: Harvard University Press, 1999), pp. 4–5.
- 37 *Ibid.*, p. 28. Morgenthau is referring to Book 1, Chapter 2, 1253920–30 in Aristotle's *The Politics*.
- 38 *Ibid.*, p. 30.
- 39 *Ibid.*
- 40 See: Hannah Arendt, *The Human Condition* (Chicago: Chicago University Press, 1998) p. 7, p. 13.
- 41 "Men, not Man, live on the earth and inhabit the world." *Ibid.*, p. 7.
- 42 Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge: MIT Press, 1994), p. 178.
- 43 Arendt, *Human Condition*, p. 180.
- 44 *Ibid.*, p. 176.
- 45 Morgenthau, *Purpose*, pp. 197–215. See also: Arendt, *Human Condition*, p.221; Cohen and Arato, pp. 180–95.
- 46 Arendt, *Human Condition*, p. 301.
- 47 Morgenthau, *Purpose*, p. 204.
- 48 Arendt, "What is Freedom," in *Between Past and Future* (New York: Viking, 1961), p. 149.
- 49 Morgenthau, *Politics Among Nations*, p. 497.
- 50 *Ibid.* See also: Weber, "Politics as a Vocation," in *From Max Weber*, p. 79.
- 51 Morgenthau, *Politics Among Nations*, p. 509.
- 52 "The telos of the state is not just to ensure the bare survival of the citizens." Morgenthau, *Political theory and International Affairs: Hans J. Morgenthau on Aristotle's The Politics*, ed. Anthony Lang (Westport: Praeger Publishers, 2004), p. 30.
- 53 Morgenthau, *Politics Among Nations*, pp. 497–502.
- 54 Arendt, "What is Freedom," pp. 154–55.
- 55 Jean L. Cohen, "Rethinking Human Rights, Democracy and Sovereignty in the Age of Globalization," *Political Theory* 36 (2008): 4, p. 589. Emphasis my own.
- 56 Arendt, *The Human Condition*, pp. 30–31. See also: Cohen and Arato, pp. 180–81. Cohen and Arato note that in the Greek polis to which Arendt generally refers, the conquest of necessity primarily involved organizing the household in a manner that designated economic activity as oikos, thereby permitting only the male head of household with sufficient time to exercise public freedom while relegating women to the home. In the modern social-democratic republic, this deprivation has been largely, though not entirely, resolved. Their critique is nonetheless worth noting.
- 57 See: Lee C. Bollinger, *Uninhibited, Robust and Wide Open* (Oxford: Oxford University Press, 2010), pp. 38–49.
- 58 Morgenthau, *Politics Among Nations*, p. 497.
- 59 Arendt, *Human Condition*, p. 180.
- 60 Morgenthau, *Purpose of American Politics*, p. 56.
- 61 Morgenthau, *Politics Among Nations*, p. 507.
- 62 Morgenthau, "The Right to Dissent," in *Truth and Power* (New York: Praeger,

1970), pp. 40–41.

63 Morgenthau, "The Right to Dissent," p. 40.

64 Ibid., p. 41.

65 Ibid., p. 44. Morgenthau, like Lefort, was nonetheless entirely aware that democracy was a fragile creation whose own close links to relativism risked, on the one hand, generating alternating periods of blind majority-rule, and on the other, its own decline into something like totalitarianism. As the cited passage concludes, "Otherwise they will strain the delicate ties that keep a democratic society together, and they will risk destroying it while trying to keep it alive."

66 Ibid.

67 Morgenthau, *Politics Among Nations*, pp. 491–97.

68 Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace, 1951), p. 142.

69 Morgenthau, *Politics Among Nations*, p. 501.

70 Ibid., p. 502.

71 Morgenthau, "The Problem of the National Interest," in *Politics in the 20<sup>th</sup> Century*, p. 86.

72 Morgenthau, *Politics Among Nations*, p. 318. Note again that a democratic model is not required for a state to claim moral value. It is the idea to which Morgenthau believes all men intuitively aspire. Rather, the criterion the ability for political equals to be included in a community where they can fight for their own freedom, which must be won, not given.

73 Ibid.

74 See, for example: Malcolm Shaw, *International Law*, 6th ed. (Cambridge: Cambridge University Press, 2008), pp.751–54, pp. 1082–83, pp. 1318 –19.

75 Morgenthau, *Politics Among Nations*, p. 319.

76 Ibid., pp. 319–20. See also: Cohen, "Rethinking Human Rights, Democracy and Sovereignty in the Age of Globalization," p. 591.

77 Aristotle, *Nicomachean Ethics*, II.6, 1006b36.

78 Claude Lefort, *The Political Forms of Modern Society* (Cambridge: MIT Press, 1986), pp. 176–78.

79 Morgenthau, *Politics Among Nations*, p.221. See also: Williams, *The Realist Tradition*, pp. 194–95.

80 Morgenthau, *Scientific Man*, p. 65.

81 Ibid., p. 66.

82 Ibid., p. 67.

83 Ibid., p. 69.

84 Morgenthau, *Purpose of American Politics*, p. 118.

85 Morgenthau, *Scientific Man vs. Power Politics*, p. 69.

86 Morgenthau, "The Nuremberg Trial," in *Politics in the 20<sup>th</sup> Century*, p.379. Weber's critique of bureaucracy seems to have influenced Morgenthau's position on this point. See: Weber, "Bureaucracy," in *From Max Weber*, p. 215.

87 Morgenthau, *Politics Among Nations*, p. 363. Morgenthau points to the Kellogg-Briand Pact (1928), the League of Nations (1919), and two Hague Peace Conferences (1899, 1907) as examples of such efforts. See also: Morgenthau, "The Twilight of International Morality," *Ethics* 58 (1948): 2, p. 85.

88 Morgenthau, *Scientific Man*, p. 203.

89 Morgenthau, "Human Rights and Foreign Policy," Distinguished CRIA Lecture on Morality and Foreign Policy (New York: CRIA, 1979).

90 Ibid., p.1, p. 25.

91 Ibid., p. 15. Emphasis added.

92 See: Jean Cohen, "Rethinking Democracy, Human Rights and Sovereignty in the Age of Globalization," p. 586.

- 93 Morgenthau, *Political Theory and International Affairs*, p. 28.
- 94 Psalm 133:1
- 95 Morgenthau, "Fragment of an Intellectual Biography," *Truth and Tragedy: A Tribute to Hans Morgenthau*, eds. Kenneth Thompson and Robert Myers (New Brunswick, 1984), p. 1.
- 96 Michael Walzer, "The Moral Standing of States," in *Philosophy and Public Affairs* 9 (1980): 3, p. 214.
- 97 Morgenthau, in *Political Theory and International Affairs*, p. 100.
- 98 Morgenthau, "The Twilight of International Morality," p. 83.
- 99 Morgenthau, "The Tragedy of German-Jewish Liberalism," in *Politics in the 20<sup>th</sup> Century*, p. 247.
- 100 Ibid., p. 255.
- 101 Ibid., p. 247.
- 102 Morgenthau, *Politics Among Nations*, p. 266.
- 103 Morgenthau, "Human Rights and Foreign Policy," p. 5. For recent arguments asserting that democratic intervention and so-called "regime change" constitute moral obligations, see: David Miliband, "The Democratic Imperative," Aung San Suu Kyi Lecture, St. Hugh's College, Oxford University (Oxford, UK, Feb. 12, 2008); Charles Krauthammer, "Democratic Realism: An American Foreign Policy for a Unipolar World," Speech, American Enterprise Institute (Washington, D.C., Feb. 10, 2004).
- 104 Jean Cohen, "Rethinking Democracy, Human Rights, and Sovereignty in the Age of Globalization," p. 591.
- 105 Morgenthau, "We Are Deluding Ourselves in Vietnam," *New York Times Magazine*, April 18, 1965.
- 106 Ibid.
- 107 Ibid.
- 108 Morgenthau, *Purpose of American Politics*, p. 34.
- 109 Morgenthau, "Foreign Policy and Human Rights," p. 17.
- 110 Stephen Wertheim, "When Humanitarianism Hurts," *The Utopian*, March 26, 2010.
- 111 Jean Cohen, "Sovereignty in the Context of Globalization," p. 274.
- 112 Ibid., p. 277.
- 113 Jean Cohen, "Rethinking Human Rights, Democracy and Sovereignty in the Age of Globalization," p. 597.
- 114 Ibid., p. 594.
- 115 Ibid., p. 594.
- 116 Morgenthau, *Political Theory and International Affairs*, pp. 98–99; Schmitt, *The Concept of the Political*, 2nd ed. (Chicago: Chicago University Press, 1996), p. 54.

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