

## Middle-Ground Ethics: Can One Be Politically Realistic Without Being a Political Realist?

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Thinking about international affairs has oscillated between idealism and realism throughout the modern period. Moralists continue to search for a way to combine what is reasonable in each in an ethically defensible middle between those extremes. Such efforts often yield a soft version of political realism: an ethics of compromise between moral ideals and real-world interests. But this resolution fails to escape an awkward dichotomy between “morality” and “reality,” as if moral considerations were not real and interests never illusory. It also rests on a simplistic conception of politics. Politics is distinguished from other activities in being concerned with obligations prescribed and enforced within a legal order, and those who make political decisions cannot ignore these obligations. Political decision-making must therefore take account of law, which is distinct from both morality and interest. Law may have its ultimate justification in moral principle, but it provides reasons for acting that are distinct from moral reasons. This is true of law at any level, including international law. Law also has material as well as normative force as part of the world in which decisions are made. A more nuanced middle-ground ethics, then, would take account of law as making demands of its own. If we bring law into the picture, we discover limits to action that are grounded on neither morality nor interest.

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## MIDDLE-GROUND ETHICS

The expression “middle-ground ethics” comes from the English School of International Relations, whose luminaries—Martin Wight, Herbert Butterfield, and Hedley Bull—staked its identity on reconciling the imperatives of morality and politics. For them, political ethics should seek a balance between moral limits on state conduct and the real interests of states.<sup>1</sup> The question is whether it can achieve that balance without collapsing into political realism. English School theorizing affirms the importance of morality, but with the realist reservation that moral concerns must yield to political interests, at least when those interests are “vital” or “supreme.”<sup>2</sup> The result is a compromise between morality and expediency, or, to be mischievous, between justice and injustice. The point is not that such a compromise is morally problematic—that much is clear enough—but that it is incoherent without a theory of how an interest can nullify an obligation.

A more promising approach to middle-ground ethics is through the idea of international society—the idea that the world is neither a universal moral order nor an amoral order of power politics, but a society of states. Each state pursues its interests within a framework of common interests and rules. This understanding of the international order, which is central to English School thinking, emerged in Europe during the early modern period and is still relevant despite the changes wrought by globalization. To eighteenth-century observers, European international society worked on principles—a common law of nations and the balance of power as a policy of resisting hegemony—unknown elsewhere in the world. Some thought that what united the peoples of Europe, and distinguished them from other peoples, were the beliefs and ways of life they shared, above all the Christian faith and similar systems of law. Others thought their adherence to a common body of

international laws and diplomatic procedures was more important than any similarities in uniting them.<sup>3</sup> Disagreement about the relative importance of these elements—shared interests and common rules—in international society is no closer to resolution today than it was two hundred-plus years ago.

Such disagreement is evident in the writings of English School theorists and those influenced by them. All agree that the idea of international society is fundamental, but they disagree about how it should be defined. The disagreement is in fact the same as that which marked the eighteenth-century debate: some (“solidarists”) identify international society with shared beliefs, values, and interests; others (“pluralists”) with, at best, a thin or minimal body of common rules. Common rules are needed most when religious or material differences run deep. In a society of states, on this (pluralist) view, foreign policy choices that would in the absence of common rules be determined solely by considerations of interest and power must now also respond to “moral” considerations, such as those prescribed by rules forbidding aggression or wartime atrocities. Considerations of this sort are not instrumental to realizing national goals; they are constraints on what may be done to achieve such goals. States can pursue their goals, individually and collectively, provided they do so within those constraints. The principle that defines international society and is the basis of international law is in its starkest form one of coexistence: states must not interfere with one another’s independence except to resist interference. This principle is one of the core tenets of just war theory and of the larger theory of international justice to which just war theory belongs. According to that larger theory, which extends beyond the question of war to questions of human rights, social justice, and international organization, principles of justice are principles that could without moral impropriety be enforced as law. By defining justice as justifiable coercion, the theory acknowledges the moral potential of civil and international law, even if actual laws are often unjust.<sup>4</sup>

This theory provides a way to avoid assimilating middle-ground ethics to political realism. The English School was right in linking that middle to the idea of a society of states, which takes the existence and legitimacy of states as a given. The “middle” here is not a compromise between morality and interest but a morally acceptable way of recognizing the claims of law even when they clash with those of morality. A state is an arrangement for making collective decisions in situations in which people are presumed to disagree, and it provides procedures for resolving disagreements. For the state to function as a system of laws that includes such procedures and the outcomes they generate, the demands it makes on its members must be acknowledged as authoritative. Middle-ground ethics must take seriously the claims of law and it must allow for politics as involving deliberation about what should be law.

The idea of politics is therefore important for any view of middle-ground ethics, not just a realist view. Political theorists today have rediscovered politics as a realistic corrective to the abstract moralism of liberal thought, exemplified for them by the justice-preoccupied theories of Immanuel Kant and John Rawls. Against such theories, a literature in defense of politics has sprung up. Some of its contributors defend an idealized democratic politics, others a conception of politics as an activity of making actual decisions, rather than a Kantian or Rawlsian exercise in abstract reasoning.<sup>5</sup> Of particular relevance here are “new realist” efforts to give political theory a less idealistic character than that which is characteristic of twentieth-century theories of liberal justice or the theories of their democratic critics. But these efforts have struggled, like English School ethics, to avoid collapsing into reason of state. In my view, if politics is important, those who favor a realistic approach must give attention to law, which is not only an ideal but also part of the “real world” in which ethical judgments are made.

## THE NEW REALISTS

There is a danger in embracing the expression “political realism,” with its connotation that moral concerns must give way to prudential ones. The problem is to find a realistic approach to political ethics that avoids the kind of realism suggested by the expressions *raison d'état* and *realpolitik*. One critic of a moralizing approach to politics, Bernard Williams, defines realism in political ethics as a way of thinking in which “all the considerations that bear on political action—both ideals and, for example, political survival—can come to one focus of decision.”<sup>6</sup> He gives as an example Max Weber’s “ethic of responsibility,” which recognizes that to govern is to use force, in violation of morality when necessary. The alternative, for Weber, is a Christian “ethic of conviction,” illustrated in the Sermon on the Mount, which teaches that to act on moral grounds is to refuse even to inquire about the consequences of one’s acts.<sup>7</sup> This does not mean that different considerations can be measured and weighed to yield an unequivocal answer to a practical question. Quite the contrary: it is Weber’s and presumably Williams’s point that values are not only diverse but incommensurable, that embracing one value may mean rejecting another, and that one should acknowledge this indeterminacy and take responsibility for the consequences of one’s decisions. For Weber, governing means acting in situations that sometimes require an official to dirty his hands for the public good—by authorizing lies, torture, or violations of the laws of war, for example. Morality, however important, is not the only consideration in acting. According to Williams, the fallacy of what he calls “political moralism” is to think that moral considerations are supremely important. They are *morally* important, by definition, but in a world of plural values it’s not clear why moral considerations should override all others.

Another of the new realists, Raymond Geuss, also sees moralism as an obstacle to realistic politics. According to Geuss, we need a theory of politics that avoids the fallacy of applied ethics, which is to think that one can devise an ideal ethical system and then use its principles to make political choices. The political moralist fails to see that politics generates nonmoral reasons for action and that moral reasons must sometimes yield to nonmoral ones. There is never a right thing to do in general, only what is right at a given moment.<sup>8</sup> If the right thing to do is contingent on circumstances, the word “right” identifies not what is morally or legally justifiable, but rather what is expedient given certain desired ends. It names a prudential concept, one that is most at home in a utilitarian or realist ethic.

Geuss distinguishes his view from what he calls “hard-edged” political realism, which holds that moral talk is empty and that politics is always a struggle for dominance. What’s wrong with hard-edged realism, he rightly argues, is that its core ideas—interest and power—are no more stable than the moral ideas it rejects.<sup>9</sup> But the soft-edged realism he defends remains prudential because, unlike the moralism of Kant or Rawls, which prescribes moral constraints to be observed in pursuing substantive goals, it refuses to privilege morality by establishing a lexical ordering of considerations in which moral considerations constrain the pursuit of desired ends. If there is a difference between the new realism and the old reason of state on this point, it’s hard to see what it is.

## JUSTICE AS JUSTIFIABLE COERCION

The realist ethics that properly adjusts ideal morality to the demands of political life is not an ethics that rationalizes moral wrongs. It’s an ethics that limits coercive interference, including coercion by

the state in the form of legally enforceable obligations, by specifying the ends for which coercion is justifiably used. Law should, at a minimum, provide a way for people with different beliefs, values, and interests to coexist. To do this, law must be “just” in the sense that it respects the independence of each. No one should be made an unwilling instrument of someone else’s purposes. This principle provides a basis for assessing the justice of a legal order. Kant had it right: the first principle by which laws should be judged is that we should not coercively interfere with one another’s choices except as necessary to resist unjustified interference (as in the case of self-defense). Nor should law permit anyone to interfere with others’ choices even if, like the benign slave owner, they don’t actually interfere. If legal order requires that laws be enforced, justice requires that they deserve enforcing.

The question of justice, on this view, is the question of the kinds of obligations a state can properly prescribe and enforce as law. The basic rationale of the state is that laws are necessary to protect its members from wrongful interference. A state is necessary because we need an authority to make and apply laws and instruments of power to enforce them. The argument is not only that we are better off with laws than without them, but also that to live according to law is morally necessary. A state can of course misuse its coercive power. This misuse can be corrected only if that power is not merely legitimized, as Weber and his new realist followers argue, but legitimized in a way that acknowledges the right of individuals to be independent. There are different legitimization narratives—religious, collectivist, “Asian,” and the like—but only the liberal narrative acknowledges this right. The political relationship is a relationship of fellow legal subjects, not one of domination and subservience. To be legitimate, the law must be “just” in the sense that it protects each person from being used against his or her will for someone else’s purposes. This rationale works at the international level as well, explaining what is wrong in relationships between peoples

that are, like many forms of colonialism, relationships of domination and exploitation akin to slavery in the individual realm.<sup>10</sup>

The idea of justice as a standard for judging law mediates between morality and interest by prescribing how people can coexist on the basis of rules that forbid relationships of domination as well as wrongful interference. Arguing about justice, so understood, is itself an aspect of political deliberation, which involves making decisions about the laws that order a political community. Political moralism extracts political guidance from moral principles without taking account of the existence and authority of those rules. It naively assumes that what is morally right should be legally required, or that what is morally wrong cannot be required. But if laws are the outcome of authoritative procedures, that is a reason for treating them as obligatory apart from the substance of what they prescribe. In my view, a properly realistic understanding of politics would recognize that authority and obligation are distinct from moral rightness or substantive desirability. Politics is not only about respecting moral rights or producing desirable consequences. It is also about maintaining a system of laws and deciding whether particular laws need to be changed or are proper to be enacted or enforced. One might object to a proposed statute, for example, if enforcing it would require intrusive searches or preventive detention. Justice as a political consideration insists that laws should not become instruments of domination. We must also pay attention to the requirements of nondomination at the international level, which means being concerned with the proper aims of international law. In the emerging global order, civil and international justice are in any case increasingly connected.

These points can be said to belong to a “realistic” view of politics without being “realist” in holding that moral considerations should yield to prudential ones. They suggest that to acknowledge the place of law is to recognize that political authority is distinct from moral legitimacy. Political



authority rests on beliefs current in a given society, not on moral principle. It is, in Weber's terms, a matter of perceived rather than rationally grounded moral legitimacy. The argument that a state cannot have authority unless it is morally legitimate confuses moral and political considerations. A law that is morally questionable can still be authoritative because "authority" and "morality" are distinct considerations.

## INTERNATIONAL JUSTICE

The defect of political moralism in international affairs is that it ties authority, and therefore sovereignty, too tightly to moral legitimacy. There is a connection, but that it must be a loose one is evident if we understand the international order as a society of states whose members are politically and culturally diverse. How much diversity is desirable is a political question debated not only within the English School but in the larger world of international affairs as well. At least some degree of diversity is implicit in the idea of an international society whose members are politically independent or self-determining. This independence, or sovereignty, is a matter of belief and conduct, not moral judgment: states are sovereign because people treat them as sovereign, not because they are morally legitimate.

Moralists sometimes argue, against the separation of moral legitimacy and political authority, that morally illegitimate states are not entitled to the independence the word "sovereignty" implies. By making moral legitimacy the criterion of sovereignty, they set a high standard for states that claim the right to self-government. If states that fail to meet this standard cannot claim that right, they are not sovereign. Taken literally, this means that their regimes can be forcibly changed without violating the nonintervention rule that normally protects states from foreign interference.<sup>11</sup>

To argue that the rule should not protect morally illegitimate states is to propose grounds for coercive interference far more permissive than those that compose the traditional doctrine of humanitarian intervention, which limits intervention to genocide and other “crimes against humanity.” Intervention is not permissible in the case of lesser crimes, and certainly not to remove illiberal or nondemocratic regimes. In my view, to make moral legitimacy the criterion of sovereignty is to deny states that do not meet the criterion the right to manage their own affairs. Such a view is not only impractical; it is objectionable because it denies nondemocratic states the independence to which they are, despite their imperfections, morally entitled under any reasonably pluralistic understanding of international order. Coercive intervention is impermissible, then, unless the injustice rises to a level that would make *not* intervening an injustice.

The sovereign rights of a state whose government is committing great crimes are not violated by military action to suppress those crimes. Citizens who commit crimes may be deprived of the freedom to do certain things, but not their status as citizens and the freedom from domination that goes with it. The offender is a criminal but not someone without legal rights, an outlaw. Similarly, a criminal state loses its independence with respect to its crimes when they exceed a certain threshold, but not necessarily in other matters. It loses some but not all of its rights. Its government cannot be overthrown unless overthrowing it is necessary to suppress the crimes. If not, forcible regime change infringes its independence and violates the rights the state still has.

It might be argued that when its crimes cross a certain threshold, the offending state loses its legal authority as well as its moral legitimacy, because it is not only a criminal state but one that has chosen to sever the social contract by treating its citizens as enemies. Jean Cohen makes this point when she says that atrocities like genocide and ethnic cleansing must be understood not only morally but also politically because they aim to destroy the political agency of the victimized

groups. “By denying . . . the very right to have rights within the state, the government forfeits the claim to speak for and the ‘right to coercively rule’ the groups it excludes and oppresses.”<sup>12</sup> Strictly speaking, such a government might be said to speak for those it does *not* exclude and oppress, but the basis of its authority would then be that it provides legal order for some of its subjects while denying it to others. This is not an argument against regime change that the international community need accept, however, especially when the domination reaches genocidal proportions. Those who would replace the traditional doctrine of humanitarian intervention with the broader idea of a “responsibility to protect” implicitly endorse this conclusion when they argue that rescue is not enough and that regime change is sometimes justified to restore justice. Michael Walzer, for example, now argues that a murderous government is “a legitimate candidate for forcible transformation” and that the intervening forces have “some degree of responsibility for the creation of an alternative government.”<sup>13</sup> Arguments like these lower the threshold for regime change, but they do not challenge the distinction between authority and legitimacy or justify coercive intervention to reform illiberal states whose offenses against human rights are less grave.

A properly realistic middle-ground ethics must acknowledge the normative force of law. It must allow that, as legal orders, states and international institutions have a claim to limit what is done for the sake of either morality or prudence. Against political moralism, it defends the authority of political institutions as the outcome of choices made according to recognized procedures. Additionally, it defends international society as a framework in which justice can be realized not only between states but also internally and transnationally, in a global order in which states continue to have an acknowledged place. Against political realism, it asserts that law is no mere ideal but a source of enforceable obligations that are part of the reality that political decisions must take into account. Keeping this in mind allows us to distinguish a middle-ground ethics based on the idea of

justice as justifiable coercion from the political realism with which it is too easily confused. It also suggests a solution to the problem of articulating a middle-ground ethics as posed within the English School tradition. Instead of seeing the middle ground as a compromise between morality and expediency, we might see it as determined by the idea of justice in international society. The problem to be solved is to create an international legal order that acknowledges the independence of states while protecting that of individuals.

## NOTES

<sup>1</sup> Molly Cochran, “Charting the Ethics of the English School: What ‘Good’ Is There in a Middle-Ground Ethics?” *International Studies Quarterly* 53 (2009), p. 204.

<sup>2</sup> This resolution—moral up to a point and realist beyond that point—is a common element in just war theories, as illustrated by Michael Walzer’s argument for violating the laws of war in emergencies in *Just and Unjust Wars*, 4th ed. (New York: Basic Books, 2006), pp. 251–68.

<sup>3</sup> Terry Nardin, *Law, Morality, and the Relations of States* (Princeton, N.J.: Princeton University Press, 1983), pp. 49–68.

<sup>4</sup> I sketch such a theory in Terry Nardin, “International Political Theory and the Question of Justice,” *International Affairs* 82 (2006), pp. 449–65; and Terry Nardin, “Justice and Coercion,” in Alex J. Bellamy, ed., *International Society and Its Critics* (Oxford: Oxford University Press, 2005), pp. 247–63.

<sup>5</sup> See, e.g., Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993); Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton, N.J.: Princeton University Press, 2005); and Raymond Geuss, *Philosophy and Real Politics* (Princeton, N.J.: Princeton University Press, 2008). William A. Galston provides an overview in “Realism in Political Theory,” *European Journal of Political Philosophy* 9 (2010), pp. 385–411.

<sup>6</sup> Williams, *In the Beginning Was the Deed*, p. 12.

<sup>7</sup> Max Weber, “Politics as a Vocation,” in *The Vocation Lectures*, David Owen and Tracy Strong, eds. (Indianapolis: Hackett Publishing Company, 2006), pp. 80–84. Weber’s dichotomy does not exhaust the alternatives: one could reject an ethic of responsibility without embracing an ethic of conviction, holding instead that there is no moral objection to pursuing desired ends and therefore to considering consequences, if it can be done by morally permissible means.

<sup>8</sup> Geuss, *Philosophy and Real Politics*, pp. 25, 30, 31. Geuss argues, as did Machiavelli (*The Prince*, chap. 25), that to decide is to grasp opportunities as they present themselves, which means that fortune is as important as skill.

<sup>9</sup> Raymond Geuss, “Moralism and Realpolitik,” in *Politics and the Imagination* (Princeton, N.J.:

Princeton University Press, 2010), pp. 38–40. That moral beliefs are part of reality, constitutive of and not external to interests and identity, is a “constructivist” point familiar to moralists since antiquity.

<sup>10</sup> I briefly consider the implications of a theory of justice as justifiable coercion for such questions as unequal economic exchanges and poverty, which are major subjects in the current global justice literature, in the papers mentioned in note 4.

<sup>11</sup> Elements of such an argument can be found in the writings of many liberal international theorists, including those who defend a broad definition of humanitarian intervention, such as Fernando A. Tesón, “Ending Tyranny in Iraq,” *Ethics & International Affairs* 19 (2005), pp. 1–20, or who favor a “liberal-democratic intervention regime” as an alternative to the UN Security Council, such as Allen Buchanan, *Justice, Legitimacy, and Self-Determination* (Oxford: Oxford University Press, 2004), p. 452.

<sup>12</sup> Jean L. Cohen, “Rethinking Human Rights, Democracy, and Sovereignty in the Age of Globalization,” *Political Theory* 36 (2008), p. 599.

<sup>13</sup> Walzer, *Just and Unjust Wars*, pp. x, xi.