International Normative Theory

Mondays 11:00 – 13:00

Seminar Room 3, Badia Fiesolana

Please register with: Monika.Rzemieniecka@EUI.eu

Course Outline

This course equips students with the knowledge and skills to analyse the role of norms and ethics in international affairs. Topics include: the nature of ethical reasoning and the role of norms in international relations; state sovereignty, national self-determination, and secession; just war (including jus ad bellum, jus in bello, and jus post bellum); pluralism and cosmopolitanism; transnational environmental responsibility; and the possibility of reform of the international system.

Content and Structure

This course operates at two levels. The first, more descriptive level, seeks to understand what role norms and ethics have played in contemporary international relations. As one quickly discovers, however, the answer to this question is influenced by one's view on the persuasiveness of different theoretical accounts of international relations (e.g. realist, constructivist, etc.) The second level is overtly normative, and seeks to determine which of the developments in the international system during recent decades are to be welcomed, and which are to be resisted. International normative theory attempts to systematize what is at stake among any genuine alternatives and, if possible, to find reasonable grounds upon which to judge those alternatives. This course attempts to sketch out the current state of debate on the central issues about what is right and just in the international arena - while recognizing that contemporary arguments form part of ongoing controversies of considerable duration.

The primary focus of the course will be on the assessment of normative judgments: which conclusions are supported by the greatest weight of reasons? Which institutions or policies are most fully justified? This task also involves making empirical judgments about the international system - for two main reasons. First, arguments for normative judgments about international affairs invariably rest on assumptions about what is "normal" and "what is possible", which are empirical premises. Second, a comprehensive defense of any norm or normative position involves some case being made that in practice it will be neither utopian nor counter-productive. Consequently, while the primary goal in this course is the construction and assessment of normative positions, these positions will be as fully embedded as possible in the best available analysis of the dynamics of international politics. In short: what is right and just in *this* world?

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Organization of Teaching

Attendance at seminars is compulsory for those who register for this course. **EVERY** member of the seminar is liable to be called upon to discuss **ANY of the core reading** in any week, as active participation in the discussion is vital to the success of the course. Other members of the EUI may be welcome to attend but should consult the course provider in advance of the first meeting of the class. All students registering for the course will be expected to produce **at least two** papers (of roughly 2000 words) that answer one of the discussion questions for each week. Students are asked to circulate these discussion papers 24 hours in advance of the seminar, and to present the papers for 10-12 minutes during the seminar.

If you want to write a term paper for this seminar/workshop, please send a copy by email to the seminar's professor as well as to the organizing administrative assistant. Once the paper is approved, she will update your credit award in your academic records. The deadline for submission is: 30 May 2014.

Background Reading

Works on normative theory in IR:

Chris Brown	*International Relations Theory: New Normative Approaches* (1992)
Molly Cochran	*Normative Theory in International Relations: A Pragmatic Approach* (1999)
Mervyn.Frost	*Ethics in International Relations: A Constitutive Theory* (1996)
Andrew Hurrell	'Norms and Ethics in International Relations', in W. Carlsnaes et al, *Handbook of International Relations* (2002)

Introductory work on political theory:

Will Kymlicka	*Contemporary Political Philosophy* (2002)
David Miller	*A Very Short Introduction to Political Philosophy* (2003)

Introductory work on ethics:

Hare, R.M.	*Moral Thinking* (1981)
Rachels, J.	*The Elements of Moral Philosophy* (latest edition)
Williams, B.	*Ethics and the Limits of Philosophy* (1985)

Part A: Normative Explanation and Foundational Norms

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1st Week   The Possibility of Ethics and the Role of Norms

This week we examine two issues. They are both concerned with whether ethical norms can and do exist in international politics. The first issue is the empirical one of whether norms serve as "causes" with empirical consequences. If norms sometimes affect what happens, some developments in history should be fully explicable only by reference to norms. Is this true? Tannenwald, for example, argues that it is true of the non-use of nuclear weapons since 1945.

Second, we examine how those engaging in normative international relations theory have responded to the charge that the nature of the international system is such that calling for states and other actors to act on ethical norms is utopian. It asks: is international ethics possible?

Question a: Are norms just 'window dressing', or do they have an autonomous effect   in   international   relations?

Question   b: What insights, if any, do realist thinkers have on the possibility of applying moral principles to international politics?

Core Reading on (a)

Rosemary Foot and Andrew Walter   'Global Norms and Major State Behaviour', *European Journal of International Relations* 19 (2013)
Nina Tannenwald   *The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons Since 1945* (2007) [available online at SOLO]
F.V.   Kratochwil   'How Do Norms Matter?' in *The Role of Law in International Politics: Essays in International Relations and International Law* (2000), ed. by Byers, pp. 35-68. [available online at SOLO]
Richard Price   *Moral Limit and Possibility in World Politics* (2008) - Introduction by Price, and chapters by Reus-Smit and Lynch

Core Reading on (b)

Charles Beitz   *Political Theory and International Relations* (1979/1999), part I.
Terry Nardin   *Traditions of International Ethics* (1992) – chapter by Donnelly (ch 5).

Further Reading on (a)

Amitav Acharya   'How Ideas Spread: Whose Norms Matter?', *International Organization* 58: 2 (2004)
Neta C. Crawford   *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention* (2002) [available online at SOLO]
Martha Finnemore and Michael Barnett   *Rules for the World* (2005)
Martha Finnemore and Kathryn Sikkink   'International Norm Dynamics and Political Change', *International Organization* 52: 4 (1998)
Edward Keene   'The Construction of International Hierarchy: A Case Study of British Treaty-Making Against the Slave Trade', *International Organization* 61:2 (2007).
Ellen Lutz and Kathryn Sikkink, 'The Justice Cascade', *Chicago Journal of International Law*, 21:1 (2001)

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Ethan Nadelmann	'Global Prohibition Regimes: The Evolution of Norms in International Society', *International Organization* 44: 4 (Autumn 1990).
Richard Price	'Transnational Civil Society and Advocacy in World Politics," *World Politics*, 55:4 (July 2003).
Thomas Risse	'Let's Argue! Communicative Action in World Politics', *International Organization* 54 (2000)
Thomas Risse, Stephen Ropp, and Kathryn Sikkink.	*The Power of Human Rights* (Cambridge, 1999), Introduction.
Kathryn Sikkink	'Patterns of Dynamic Multilevel Governance and the Insider-Outsider Coalition', in *Transnational Protest and Global Activism*, eds. Donatella della Porta and Sidney Tarrow (Rowman & Littlefield, 2004), 151-73. [modifies Risse, Ropp, and Sikkink]
Daniel C. Thomas	*The Helsinki Effect*: *International Norms, Human Rights, and the Demise of Communism* (Princeton, 2001).
Alexander Wendt	*Social Theory of International Politics* (1999), pp. 246-312.

Further Reading on (b)

Marshall Cohen	'Moral Skepticism and International Relations', *Philosophy and Public Affairs* 13: 4, pp.299-346
Raymond Geuss	*Philosophy and Real Politics* (2008)
Thomas Hobbes	*Leviathan*, chapter XIII (on state of nature)
Noel Malcolm	*Aspects of Hobbes* (2004), chapter 13 (on Hobbes's international thought and Beitz's interpretation).
Kenneth Waltz	*Theory of International Politics* (1979)
Bernard Williams	'Realism and Moralism in Political Theory' in *In the Beginning was the Deed: Realism and Moralism in Political Argument*, (2005) selected, edited, and with an introduction by Geoffrey Hawthorn, pp.1-17.

2nd Week   Membership in International Society: Sovereignty as a Foundational Norm

One of the core tasks in international normative theory is to examine and evaluate the rationale for granting sovereign states a particular status in international society. Yet, sovereignty, self-determination, and legitimacy form a complex web which at times appears incoherent. Is a sovereign state the best or only mechanism to protect the self-determination of a people? Is a state's sovereignty conditional upon its capacity to fulfill the self-determination of its people, and to deliver domestic justice? What are the criteria for the kind of community that is entitled to either self-determination or a sovereign state (and possibly secession)? More fundamentally, what are the features of one's relations with compatriots that are lacking in one's relations with the remainder of humanity that justify granting some priority to compatriots? How much priority?

Question a: Should statehood for a political community be conditional on the capacity to deliver justice?

Question b: What are the features (if any) of one's relations with compatriots that are lacking in one's relations with the remainder of humanity? Do these justify granting some priority to compatriots?

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Core Reading on (a)

Buchanan, Allen. '*Justice, Legitimacy, and Self-Determination* (2004), esp. Chapters 8 and 9 OR 'Theories of Secession', *Philosophy & Public Affairs*, 26 (1997).

Fabry, Mikulas. *Recognizing States: International Society and the Establishment of New States since 1776* (2010). Introduction and Chpt. 6

Reus-Smit, Christian. *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations* (1999). Chapters 1, 5, 6

Roth, Brad. *Governmental Legitimacy in International Law* (2000) esp. Chapters 1, 6

Walzer, Michael. 'The reform of the state system", in O. Osterud, ed., *Studies of War and Peace* (1987).

Core reading on (b)

Miller, David. *On Nationality* (1995).

Scheffler, Samuel. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (2001*)*,pp. 32-47 and 82-130.

Further Reading

Barry, Brian. *Culture & Equality: An Egalitarian Critique of Multiculturalism* (2001).

Political Argument: A Reissue with a New Introduction (1990), pp. 38-43 and 173-206.

Bartelson, Jan. *A Genealogy of Sovereignty (*1995).

Biersteker, Thomas J., and Cynthia Weber, eds. *State Sovereignty as Social Construct* (1996).

Buchanan, Allen. *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (1991).

Caney, Simon, David George, and Peter Jones, eds. *National Rights, International Obligations* (1996).

Chayes, Abram, and Antonia Chayes. *The New Sovereignty: Compliance with International Regulatory*

Agreements (1995).

Dahbour, Omar. *Illusion of the Peoples: A Critique of National Self-Determination* (2003).

Deng, Francis M., Sadikiel Kimaro, et al. *Sovereignty as Responsibility* (1996), pp. 1-33.

Gong, Gerrit W. *The Standard of 'Civilization' in International Society* (1984).

Hinsley, F.H. *Sovereignty*, 2nd edn. (1986).

Jackson, Robert. *The Global Covenant: Human Conduct in a World of States* (2000).

McKim, Robert, and Jeff McMahan, eds. *The Morality of Nationalism* (1997)

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Krasner, Stephen D. *Sovereignty: Organized Hypocrisy* (1999).

Kymlicka, Will. *Multicultural Citizenship: A Liberal Theory of Minority Rights* (1995).

Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship (2001).

.Margalit, Avishai, and Joseph Raz. 'National Self-Determination,' *Journal of Philosophy* 87 (1990),

pp. 439-61

Philpott, Daniel. *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (2001).

Rae, Heather. *State Identities and the Homogenisation of Peoples* (Cambridge 2002).

Tamir, Yael. *Liberal Nationalism (*1993).

Young, Iris Marion. *Inclusion and Democracy* (2000), pp. 236-275.

Part B: The Ethics of War

3rd Week   Just War Theory

When, if ever, is war just? One pivotal issue now between rival interpretations of just war--for example, those by Walzer and Coates--is the extent to which contemporary principles of just war ought to be state-centric. Another controversy concerns whether attempts at limiting war are a fundamentally misguided project, given the nature of the contemporary international system. Both extremes, pacifists who believe that declaring some warfare to be just promotes war by appearing to sanitize it, and adherents to 'war-is-hell' who believe that moderating warfare prolongs fighting and causes more misery overall than short and sharp action, reject the middle way constituted by just war. But if no form of military rescue can be justified, those with the bad luck to be born on the territories of genocidal states may simply be left by the rest of us to their unfortunate fates. If limiting norms are to be enforced, however, difficult choices arise among types of limits, such as limits among targets (combatants *vs* non-combatants), limits among weapons (nuclear *vs* biological *vs* anti- personnel land-mines), and the limits that can be placed on those who engage in long-term reconstruction.

Question: 'Theories of just war are more concerned with protecting the sovereignty of states than with protecting the lives of individual persons.' Do you agree?

Core Reading

Cecil Fabre   *Cosmopolitan War* (2012), Chapters 1 and 2
Nicholas Rengger   *Just War and International Order* (2013), Introduction, Chapters 3 and 5
David Rodin   *War & Self-Defense* (2002), Introduction
Henry Shue   'War' in *Oxford Handbook of Practical Ethics* (2003), ed. by
                     LaFollette, pp.734-61
Michael Walzer   *Just and Unjust Wars*, 4th Ed (2006)

Further Reading

A.J. Coates   *The Ethics of War* (1997)
Alex Bellamy   *Just Wars: From Cicero to Iraq* (2006)

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Geoffrey Best	*War and Law Since 1945* (1994).
Ian Clark	*Waging War: A Philosophical Introduction* (1988).
C.A.J. Coady	"Terrorism, Just War and Supreme Emergency," in *Terrorism and Justice: Moral Argument in a Threatened World*, ed. by Coady and O"Keefe (Melbourne: Melbourne University Press, 2002), pp. 8-21.
Yoram Dinstein	*War, Aggression and Self-Defence*, 4th ed. (Cambridge, 2005).
Mark Evans	(editor) *Just War Theory: A Reappraisal* (Edinburgh, 2005).
Robert Holmes	*On War and Morality* (1989)
Michael Howard, George J. Andreopoulos, and Mark R. Shulman (editors)	*The Laws of War: Constraints on Warfare in the Western World* (1994).
James Turner Johnson	*Morality & Contemporary Warfare* (1999).
David Luban	'Just War and Human Rights', *Philosophy & Public Affairs* (1980), pp.160-181
David Luban	'The Romance of the Nation-State', *Philosophy & Public Affairs* (1980), p.392-397 [reply to Walzer]
David Luban	'Intervention and Civilization: Some Unhappy Lessons of the Kosovo War' in *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization*, ed. by De Greiff and Cronin (2002), pp. 79-115.
Terry Nardin	(editor) *The Ethics of War and Peace: Religious and Secular Perspectives* (1996)
Brian Orend	*Michael Walzer on War and Justice* (2000)
Mark J. Osiel	*Obeying Orders: Atrocity, Military Discipline & the Law of War* (1999).
Michael Walzer	'The Moral Standing of the State: A Response to Four Critics', *Philosophy & Public Affairs* (1980), pp. 209-229.

4th Week   Jus ad bellum: When to Fight? Debating Pre-emption and Humanitarian Intervention

This class will examine possible exceptions to the prohibition on the use of force in the UN Charter. Does a reasonable doctrine of state sovereignty ever permit (or indeed require) military intervention? If so, on what grounds and by what means? We will focus on two cases.

  The first possibility deals with the question of whether force can legitimately be used to pre-empt attack (in some formulations, an extension on the right of self-defence).

  The second debate centres on whether force should ever be used to protect human rights, and, if so, under what conditions.

Question a: May a state legitimately use force to pre-empt attack?

Question b: Does the legitimacy of intervention for humanitarian purposes depend on who is doing the intervening?

Core Reading on (a)

Allen Buchanan and Robert Keohane	'The Preventive Use of Force: A Cosmopolitan Institutional Proposal", *Ethics and International Affairs* 18:1 (2004)
Michael Doyle	*Striking First: Preemption and Prevention in International Conflict* (2011), edited and introduced by S. Macedo
David Luban	'Preventive War', *Philosophy & Public Affairs* 32:3 (2004).

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Henry Shue and David Rodin (eds). *Preemption: Military Action and Moral Justification* (2009) [This is available online at SOLO], Chapters 5, 6 and 9

Core Reading on (b)

Simon Caney	*Justice Beyond Borders* (2005), chapter 7
Martha Finnemore	'Paradoxes in humanitarian intervention' in Richard Price, ed., *Moral Limit and Possibility in World Politics* (2008), pp. 197-224. [Hum. Int.]
J.L Holzgrefe & Robert Keohane, eds. *Humanitarian Intervention*: *Ethical, Legal, and Political Dilemmas* (2003), Chapters by Teson and Franck
James Pattison	*Legitimacy and Humanitarian Intervention: Who should intervene? International Journal of Human Rights 12 (3), pp. 395-413*
Jennifer M Welsh	' Who Should Act? Collective Responsibility and the Responsibility to Protect' in W. Andy Knight and Frazer Egerton, eds. *Routledge Handbook on the Responsibility to Protect, (*2012)
Nicholas J. Wheeler	*Saving Strangers*: *Humanitarian Intervention in International Society* (2000), Chapter 7

Further Reading

Alex Bellamy	*Responsibility to Protect: The Global Effort to End Mass Atrocities.* 2009.
Alex Bellamy	'Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq', *Ethics and International Affairs*, vol.19, (2005), pp. 31-53
Simon Chesterman	*Just War or Just Peace? Humanitarian Intervention and International Law*
Aidan Hehir	*The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention*, 2012
International Commission on Intervention and State Sovereignty	*The Responsibility to Protect* (2001) This is available at: http://www.iciss-ciise.gc.ca [Website also contains background studies]
Anne Orford	*International Authority and the Responsibility to Protect* (2011)
Oliver Ramsbotham and Tom Woodhouse.	*Humanitarian Intervention in Contemporary Conflict*: *A Reconceptualization* (1996).
Adam Roberts	*Humanitarian Action in War* (1996), IISS Adelphi Paper 305.
Michael J.Smith	'Humanitarian Intervention: An Overview of the Ethical Issues', *Ethics & International Affairs* 12 (1998), pp. 63-79.
Kok-Chor Tan	'The Duty to Protect', in Terry Nardin and Melissa Williams, *NOMOS XLVII: Humanitarian Intervention* (2006), pp.84-116.
Fernando R. Teson	*Humanitarian Intervention*: *An Inquiry into Law and Morality*, 3rd edition
Michael Walzer	"The Politics of Rescue," *Dissent* (1995), pp. 35-41.
Thomas G. Weiss	*Humanitarian Intervention, 2nd edition* (2012)
Jennifer Welsh	(editor) *Humanitarian Intervention and International Relations* (2004), Introduction and Part One.
Jennifer M Welsh	'The Responsibility to Protect: Securing the Individual in International Society', in Benjamin Goold and Liora Lazarus, eds., *Security and Human Rights* (2007), pp. 363-83.
R.J. Vincent and 8	*Human Rights and International Relations* (1986), Chapters 3

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5th Week   Jus in bello: How to Fight?

This week looks at two issues relating to debates about the scope of *jus in bello* (the norms that govern the conduct of war). The first examines the status of combatants during war, and the debate over whether combatants on both the 'just' and 'unjust' side should enjoy equal rights and responsibilities. More generally, it considers the relationship between *ad bellum* and *in bello* rules in just war theory.

The second issue is the impact of the rise of air power during the 20th century, and how in particular the practice of 'strategic bombing' transformed war by making it possible to lay waste to an adversary's society without first needing to defeat its military forces. Recent bombing campaigns represent contemporary efforts to perfect this practice with new weapons, including precision-guided and robotic ones, and new targeting doctrines. Given the historical evidence about the effectiveness of strategic bombing (Pape), for what ends – if any – can bombing be justified? Are just war norms affecting the kinds of weapons and targeting doctrines being developed (and vice versa)?

Question a: Would the revision of the principle of the 'moral equality of soldiers' erode or strengthen just war theory?'

Question b: To what extent does the status of an international norm limiting bombing depend on the effectiveness of bombing?

Core Reading (a)

Thomas Hurka   'Proportionality in the Morality of War', *Philosophy & Public Affairs*, 33:1 (2005)
Cecile Fabre   *Cosmopolitan War* (2012), Chapters 2 and 7
Seth Lazar   'Responsibility, Risk and killing in Self-Defence', *Ethics* 119 (2009)
Jeff McMahan   "The Ethics of Killing in War," *Ethics* 114 (2004).
David Rodin and Henry Shue (editors) *Just and Unjust Warriors. The Moral and Legal Status of Soldiers* (2008), esp. Chapters by Rodin, McMahan, Shue and Roberts

Core Reading (b)

Tami Davis Biddle   *Rhetoric and Reality in Air Warfare* (2002), pp. 264-301.
Michael Horowitz and Dan Reiter 'When Does Aerial Bombing Work? Quantitative Empirical Tests, 1917-1999,' *Journal of Conflict Resolution*, vol. 45, no. 2 (April 2001), pp.147-173'
Helen Kinsella   *The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian* (2011), Chapters 5 and 8
Robert Pape   *Bombing to Win: Air Power and Coercion in War* (1996)
ThomasWard   'Victory by Duress: Civilian Infrastructure as a Target in Air Campaigns', *Security Studies* 15: 1 (2006)

Further Reading

Joanna Bourke   *An Intimate History of Killing* (2006)
Caleb Carr   *The Lessons of Terror: A History of Warfare Against Civilians: Why It Has Always Failed and Why It Will Fail Again* (2002).
Stephen Garrett   *Ethics and Airpower in World War II* (1993)
Jonathan Glover   *Humanity: A Moral History of the Twentieth Century* (2001), 64-116

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Human Rights Watch   *Off Target: The Conduct of War and Civilian Casualties in Iraq* (2003)
Christopher Kutz   'The Difference Uniforms Make: Collective Violence in Criminal Law and War', *Philosophy & Public Affairs*, vol.33 no.2 (2005).
Martin Shaw   *The New Western Way of War: Risk-Transfer War and the Crisis in Iraq* (2005)
Nancy Sherman   *The Untold War: Inside the Hearts, Minds and Souls of our Soldiers* (2010)
Henry Shue and David Wippman, 'Limiting Attacks on Dual-Use Facilities Performing Indispensable Civilian Functions', *Cornell International Law Journal* 35: 3 (2002)
B.J. Strawser   'Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles', *Journal of Military Ethics*, Vol. 9, No. 4 (2010), pp. 342-368.
Benjamin Valentino et al, '"Covenants without the Sword": International Law and the Protection of Civilians in Times of War', *World Politics* 58:3 (2006)

6th Week   Jus post bellum

Just war theory has focused primarily on the question of just cause and just conduct. But do judgments about the justice of war also depend upon the way in which the victors pursue peace? As a result of the ambitious plans for post-conflict reconstruction that have accompanied recent wars, many normative theorists have turned their attention to this question of 'jus post bellum'. Do the responsibilities of victory demand only short-term compensation, or do they also extend to the creation of regimes which are more just? How can the latter be reconciled with the principle of self-determination? What constraints – if any – should be placed on the means by which victors pursue post war justice?

Core reading

Bass, Gary J. 'Jus Post Bellum', *Philosophy & Public Affairs*, 32: 4 (2004).

Bellamy, Alex. 'The responsibilities of victory: *Jus Post Bellum* and the Just War', *Review of International Studies*, 34: 4 (2008).

Feldman, Noah. *What We Owe Iraq: War and the Ethics of Nation-building* (2006).

Lazar, Seth. 'Endings and Aftermath in the Ethics of War' (2010), unpublished paper on file with Course provider

Mollendorf, Darrell. "Jus Ex Bello," *Journal of Political Philosophy* 16:2 (2008).

Orend, Brian. 'Justice after War', Ethics and International Affairs 16:1 (2002).

Walzer, Michael. 'Just and Unjust Occupations', *Dissent* (Winter 2004).

Special Issue of Ethics and International Affairs, 'Postwar Justice and the Responsibility to Rebuild', 23: 2 (2009). Articles by Gheciu/Welsh, Evans, Recchia

Further Reading

Caplan, Richard. *International Governance of War-torn Territories: Rule and Reconstruction* (2005).

Chandler, David. *Empire in Denial: The Politics of Statebuilding*. 2006.

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Chesterman, Simon. *You, the People: The United Nations, Transitional Administration, and State-Building.* 2004.

Elshtain, Jean Bethke, 'The Ethics of Fleeing: What America Still Owes Iraq', *World Affairs,* Spring 2008.

Iasiello, Louis V., 'Jus Post Bellum: The Moral Responsibilities of Victors in War', *Naval War College Review,* 57:3 (2004).

Paris, Roland. *At War's End. Building Peace after Civil Conflict.* 2004.

Rengger, Nicholas. 'The Judgment of War', *Review of International Studies,* 31:5 (2005).

Roberts, Adam. 'Transformative Military Occupation: Applying the Law of War and Human Rights', *American Journal of International Law*, 2006.

Stahn, Carsten and Jann K. Kleffner (eds.), *Jus Post Bellum: Towards a Law of Transition from Conflict to Peace* (2008).

Zaum, Dominik. *The Sovereignty Paradox* (2006).

Part C: Pluralism and Cosmopolitanism

7th Week   The Case for Pluralism

In *The Law of Peoples* John Rawls attempts to adapt ideas developed for a single society to the international arena. Yet, this exercise in 'ideal theory" differs quite substantially from his earlier works. Central to his "realistic utopia" is the acceptance of a diverse collection of societies, some of which represent what he calls "the fact of reasonable pluralism" and some of which represent a kind of further unreasonable pluralism, but all of whom are to be treated in a principled manner by liberal societies. The positions on justice worked out by David Miller and Michael Walzer constitute important and challenging alternatives to Rawls in both substance and method, but they share the belief in the moral significance of diverse communities. Within the discipline of IR, this emphasis on the value of pluralism is developed and applied in the work of Hedley Bull and Robert Jackson.

Question: "Pluralism claims to provide order and to respect the diversity of states and peoples, but in doing so it sacrifices the rights of individuals." Discuss.

Core Reading

Allen Buchanan   'Rawls's Law of Peoples: Rules for a Vanished Westphalian World', *Ethics* (2000), pp. 697-721.
David Miller   *National Responsibility and Global Justice* (2007) [available online with SOLO], Chapters 1, 4 and 9
John Rawls   *The Law of Peoples with "The Idea of Public Reason Revisited"* (1999)
Michael Walzer   'Governing the Globe', *Dissent* (2000), pp.44-52

Core reading (IR pluralism)

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Hedley Bull	'Justice in International Relations, [1983 Hagey Lectures], reprinted in *Hedley Bull on International Society* (2000), ed. by Alderson & Hurrell, pp. 206-45.
Robert Jackson	*The Global Covenant. Human Conduct in a World of States* (2000) [available online with SOLO]

Further Reading

Brian Barry	*Liberty and Justice: Essays in Political Theory 2* (1991), pp. 9-22. Brian
Barry	*Theories of Justice* (1989), pp. 183-189.
Charles R. Beitz	'Rawls's Law of Peoples', *Ethics* (2000), pp.669-696
Hedley Bull	'Human Rights and World Politics' in *Moral Claims in World Affairs* (1979), ed. by Pettman, pp. 79-91.
Hedley Bull	'The State's Positive Role in World Affairs', *Daedalus*, 18 (1979), pp. 111-123; rept. in *Hedley Bull on International Society*, ed. by Alderson and Hurrell, pp. 139-56.
Simon Caney	'Survey article: Cosmopolitanism and the Law of Peoples', *Journal of Political Philosophy*, vol.10 (2002)
Samuel Freeman	'The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice', *Social Philosophy and Policy*, 23: 1 (2006)
Aaron James	'Constructing Justice for Existing Practice: Rawls and the Status Quo', *Philosophy & Public Affairs*, 33: 4 (2005).
Andrew Kuper	'Rawlsian Global Justice: Beyond *The Law of Peoples* to a Cosmopolitan Law of Persons', *Political Theory* (2000).
Thomas Pogge	'Critical Study: Rawls on International Justice', *The Philosophical Quarterly* (2001).
Thomas Pogge	"The Incoherence between Rawls"s Theories of Justice," *Fordham Law Review*, LXXII (2004).
John Rawls	*Political Liberalism*, Aug. Ed. (1996), pp.47-62 [as background for understanding the logic of Rawls's international ethics]

8th Week   Cosmopolitanism

In the last 30 years a number of defences of a cosmopolitan approach have been given. These authors all argue, in different ways, that what matters is pluralism for individuals – not societies. Yet they differ in what they retain and reject from the Rawlsian heritage and carve out different directions for post-Rawlsian theories of international justice. How defensible is the cosmopolitan approach? Does it give a satisfactory account of global political morality? Does it accord enough significance to nationality and civic membership – and to concepts like patriotism and loyalty? If individuals have universal civil, political and economic rights, who are the duty-bearers? If cosmopolitanism is inadequate must we thereby adopt a wholly statist approach? Is 'cosmopolitanism' still a useful concept or are we all, in some sense, cosmopolitans?

Question: "Given globalization, principles of distributive justice should apply at the global level." Discuss

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Core Reading

Charles R. Beitz	'Social and Cosmopolitan Liberalism', *International Affairs* (1999).
Charles R. Beitz	*Political Theory and International Relations*, Rev. Ed. (1999), Part III
Simon Caney	*Justice Beyond Borders. A Global Political Theory* (2005), Chapters 1, 2 and 4
Thomas Pogge	*World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2002/2008), Chapters 4 and 8
Thomas Pogge	'Severe Poverty as a Violation of Negative Duties: Reply to the Critics', *Ethics & International Affairs* 19:1 (2005).
Mathias Risse	'How Does the Global Order Harm the Poor?, *Philosophy & Public Affairs*, 33: 4 (Fall 2005), pp. 349-76. [response to Pogge]

Further Reading

Daniele Archibugi, David Held, & Martin Kohler (eds) *Re-imagining Political Community. Studies in Cosmopolitan Democracy* (1998)

Christian Barry and Thomas W. Pogge (eds) *Global Institutions and Responsibilities*: *Achieving Global Justice* (Blackwell, 2005).

Christian Barry and Laura Valentini, "Egalitarian Challenges to Global Egalitarianism: A Critique", *Review of International Studies*, 35 (2009).

Michael Blake	'Distributive Justice, State Coercion, and Autonomy', *Philosophy and Public Affairs* 30:3 (2001), pp.257-296

Garrett Brown and David Held (eds) *The Cosmopolitanism Reader* (2011)

Joshua Cohen and Charles Sabel 'Extra Rempublicam Nulla Justitia?', *Philosophy & Public Affairs*, 34: 2 (Spring 2006).

Rosemary Foot, John Lewis Gaddis and Andrew Hurrell (eds) *Order and Justice in International Relations* (2003).

Rainer Forst	*The Right to Justification: Elements of a Constructivist Theory of Justice* (2012)
David Held	*Democracy and the Global Order*: *From the Modern State to Cosmopolitan Governance* (1995).
Aaron James	'Constructing Justice for Existing Practice: Rawls and the Status Quo', *Philosophy & Public Affairs* 33: 4 (2005).
Charles Jones	*Global Justice: Defending Cosmopolitanism* (1999).
A. J. Julius	"Nagel"s Atlas," *Philosophy & Public Affairs* 34:2 (Spring 2006) [response to Nagel]
Andrew Linklater	*The Transformation of Political Community* (1998).
David Miller	'Caney's "International Distributive Justice": A Response', *Political Studies*, 50 (2002); and 'Against Global Egalitarianism", *Journal of Ethics* 9 (2005).
Darrel Moellendorf	*Cosmopolitan Justice* (2002).
Thomas Nagel	'The Problem of Global Justice', *Philosophy & Public Affairs*, 33: 2 (Spring 2005).
Onora O'Neill	*Bounds of Justice* (2000)
Thomas W. Pogge	(editor) *Freedom from Poverty as a Human Right: Who owes what to the very poor?* (2007).
Thomas Pogge	Review of *Justice Beyond Borders*, *Ethics & International Affairs*, 19: 3 (2005).

Andrea Sangiovanni 'Global Justice, Reciprocity, and the State', *Philosophy & Public Affairs* vol.35 no.1, (2007), pp.2-39.

Andrea Sangiovanni 'Justice and the Priority of Politics to Morality', *Journal of Political Philosophy* vol.16 no.2 (2008), pp.137-64.

William Talbott *Which Rights Should Be Universal?* (2005).

Jeremy Waldron "Minority Cultures and the Cosmopolitan Alternative," in *The Rights of Minority Cultures* (1995), ed. by Kymlicka, ch. 4.

Part D: New Challenges in Normative Theory

9th Week   **Climate Change and Justice**

Human activities are putting severe pressure on the planet and we face the prospect of dangerous climate change and other kinds of global environmental degradation (such as biodiversity loss). These changes raise a number of normative questions. How should we think of the harmful effects of climate change? Who is responsible for combating climate change? How should the right to emit greenhouse gases be emitted? How should we interpret the doctrine of common but differentiated responsibilities? Why has a binding and effective climate treaty been so elusive? Should climate policies be addressed separately from development or together? What issues are raised by geo-engineering?

Question: Who should bear the burden of combatting climate change?

Core Reading

Simon Caney 'Just Emissions', *Philosophy & Public Affairs* 40: 4 (2012), pp.255-300.

Stephen Gardiner *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (2011) [available online at SOLO]

Peter Singer *One World: The Ethics of Globalization* (2002) – chapter on one atmosphere.

Henry Shue 'Subsistence Emissions and Luxury Emissions', *Law and Policy* 15:1 (1993), pp.39-59

Henry Shue 'Global Environment and International Inequality', *International Affairs* 75:3 (1999), pp.531-545

Further Reading

Paul Baer, Tom Athanasiou, Sivan Kartha and Eric Kemp-Benedict *The Greenhouse Development Rights Framework: The Right to Development in a Climate Constrained World* Revised second edition (Berlin: Heinrich Böll Foundation, Christian Aid, EcoEquity, and the Stockholm Environment Institute, 2008). This is available at:
http://www.ecoequity.org/docs/TheGDRsFramework.pdf

Simon Caney 'Cosmopolitan Justice, Responsibility, and Global Climate Change', *Leiden Journal of International Law* 18: 4 (2005), pp.747-775.

Simon Caney 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy* 13: 1 (2010), pp.203-228.

Robyn Eckersley 'Moving Forward in the Climate Negotiations: Multilateralism or Minilateralism?', *Global Environmental Politics* 12: 2 (2012), pp.24-42.

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Stephen Gardiner, Simon Caney, Dale Jamieson and Henry Shue(eds) *Climate Ethics: Essential Readings* (2011)

Dieter Helm 'Climate-change Policy: Why has so Little been Achieved?' in *The Economics and Politics of Climate Change* (2009) edited by Dieter Helm and Cameron Hepburn, pp.9-35. This is also published in *Oxford Review of Economic Policy*, 24: 2, (2008), pp.211-238.

Cameron Hepburn and Nicholas Stern, 'The Global Deal on Climate Change' in *The Economics and Politics of Climate Change* (2009) edited by Dieter Helm and Cameron Hepburn, pp.36-57. This is also published in *Oxford Review of Economic Policy* 24: 2, (2008), pp.259-279.

Andrew Hurrell *On Global Order: Power, Values, and the Constitution of International Society*, (2007), chapter 9

Dominic Johnson and Simon Levin 'The Tragedy of Cognition: Psychological Biases and Environmental Inaction', *Current Science*, 97: 11 (10 December 200_9, pp.1593-1603.

William D. Nordhaus 'A Review of *The Stern Review on the Economics of Climate Change*', *Journal of Economic Literature*, XLV: 3 (2007), pp.686-702.

William Nordhaus *A Question of Balance: Weighing the Options on Global Warming Policies* (2008).

Edward Page *Climate Change, Justice and Future Generations* (2006)

Roger Pielke Jr *The Climate Fix: What Scientists and Politicians Won't Tell You About Global Warming* (2010). [available online from SOLO]

Eric Posner and David Weisbach *Climate Change Justice* (2010)

Sir Nicholas Stern *The Stern Review on the Economics of Climate Change* (2007). This is available at: http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/stern_review_report.cfm

Steve Vanderheiden *Atmospheric Justice: A Political Theory of Climate Change* (2008).

David G. Victor *The Collapse of the Kyoto Protocol and the Struggle to Slow Global Warming* (2004)

David G Victor *Global Warming Gridlock: Creating More Effective Strategies for Protecting the Planet* (2011). [available online from SOLO]

For a good source of information about climate science see the website of the Intergovernmental Panel on Climate Change at http://www.ipcc.ch/

This lists its Assessment Reports. The most recent is the Fourth Assessment Report. That is available here: http://www.ipcc.ch/publications_and_data/publications_and_data_reports.shtml#.UGhf2E1Y1q-

10th Week **Reform of the International System**

Readings TBD

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