

**Order and Justice on an International Scale?  
Rethinking the Domestic Analogy in the Political  
Theories of Thomas Hobbes and John Rawls**

by

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## Declaration of Authorship

I (Jan Niklas Rolf) hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

Signed:

A handwritten signature in black ink that reads "Jan Niklas Rolf". The signature is written in a cursive style with a large initial 'J'.

Date: 05.10.2013

## Abstract

In recent years, scholars of political theory and International Relations (IR) have paid increased attention to the problem of instituting order and justice on an international scale. Operating on the premise that the conditions of order and justice are the same among states as they are within them, this study inquires into the prospects of extending Thomas Hobbes's idea of a common authority and John Rawls's notion of a redistribution scheme to the international level. Although Hobbes and Rawls make some important concessions to the domestic analogy, both philosophers reject the (full) application of the social contract to international relations on the ground that cooperation is not as essential for states as it is for individuals.

However, since Hobbes's publication of *Leviathan*, the international system has undergone some tremendous changes. With the advent of total war, nuclear weapons and international terrorism, states no longer have the means to protect their citizens in the way standing armies secured life within the state in the seventeenth century. While Rawls's conception of the state as a self-sufficient entity was already questionable at the time he published *A Theory of Justice*, it is even more so in the twenty-first century in which entire countries have begun to specialize in certain manufacturing, trading or financing activities. Given these developments, it is rather doubtful that states can thrive in the long run without a degree of cooperation. But if cooperation is becoming as imperative for states as it is for individuals, this would have crucial implications for the possibility of (fully) applying Hobbes's and Rawls's social contract to the international level.

While many realists, communitarians and even some cosmopolitans continue to argue that the institutions that provide for order and justice domestically cannot be reproduced internationally, this work suggests that what Hobbes and Rawls sketch in their theories for the domestic level, and what is yet to materialize at the global level, has been well underway at the regional level. Framing an account of the High Authority and the Cohesion Fund in Hobbesian and Rawlsian terms, respectively, I argue that the two philosophers provide us with insufficiently exploited clues to the understanding and justification of the political and economic integration of Europe. I then examine whether Hobbes's and Rawls's philosophies also hold lessons for the political and economic integration of the world at large. I suggest that the regional and global realms are too dissimilar for Hobbesian and Rawlsian logics to apply globally.

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## List of Abbreviations

ABC: Atomic, Biological and Chemical  
ACP: African, Caribbean and Pacific  
APEC: Asia-Pacific Economic Cooperation  
ASEAN: Association of South-East Asian Nations  
CAP: Common Agricultural Policy  
CBRN: Chemical, Biological, Radiological and Nuclear  
CEECs: Central and Eastern European Countries  
CET: Common External Tariff  
CIA: Central Intelligence Agency  
CIDA: Canadian International Development Agency  
DAC: Development Assistance Committee  
DFID: British Department for International Development  
EAs: Europe Agreements  
EAGGF: European Agricultural Guidance and Guarantee Fund  
EC: European Community  
ECSC: European Coal and Steel Community  
ECU: European Currency Unit  
EEC: European Economic Community  
EFTA: European Free Trade Association  
EIB: European Investment Bank  
EMS: European Monetary System  
EMU: Economic and Monetary Union  
ERDF: European Regional Development Fund  
ESF: European Social Fund  
EU: European Union  
Euratom: European Atomic Energy Community  
FBI: Federal Bureau of Investigation  
FTAA: Free Trade Area of the Americas  
GDP: Gross Domestic Product  
GNI: Gross National Income  
GNP: Gross National Product  
IfS: Instrument for Stability  
IMF: International Monetary Fund  
IPT: International Political Theory  
IR: International Relations  
MAD: Mutual Assured Destruction  
MCA: Millennium Challenge Account  
MDGs: Millennium Development Goals  
Mercosur: Mercado Común del Sur  
NAFTA: North American Free Trade Agreement  
NATO: North Atlantic Treaty Organization  
NBC: Nuclear, Biological and Chemical  
ODA: Official Development Assistance  
OECD: Organization for Economic Co-operation and Development  
OEEC: Organization for European Economic Co-operation  
SEA: Single European Act  
SEM: Single European Market  
SGP: Stability and Growth Pact

TEU: Treaty of the European Union  
UK: United Kingdom  
UN: United Nations  
US: United States  
VAT: Value-Added Tax  
WMD: Weapons of Mass Destruction



## Preface

This work is not about predictions, but about possibilities. It is about the possibility of extending Thomas Hobbes's idea of a common authority and John Rawls's notion of a redistribution scheme to the international level. When people are able to overcome the condition of anarchy by subordinating themselves to a Leviathan, is it possible for states, by analogy, to leave behind the international condition of anarchy by subordinating themselves to some sort of international Leviathan? In the same manner, when individuals are able to render inequalities amongst them less severe by setting up a redistribution scheme, is it possible for states, by analogy, to alleviate inequalities amongst them by setting up an international redistribution scheme?

It might be objected that just another enquiry into the philosophies of Hobbes and Rawls can hardly generate any new insights. Since its publication in 1651, there has been extensive writing about Hobbes's *Leviathan*, and with the emergence of International Relations (IR) its popularity has been enhanced even more. Rawls's oeuvre, on the other hand, 'has generated more secondary literature than perhaps any other work of twentieth century political philosophy' (Brown, 2002a: 9). Yet while Hobbes and Rawls may have attracted sufficient interest in their own right, it is the claim of this work that the relationship between the two has not been adequately thought through. I suggest that there is a powerful link between their philosophies that can tell us something valuable about the possibility of reproducing order and justice on an international scale.

One aim of this study will be to demonstrate that Hobbes and Rawls have essentially the same concept of formal justice. My more important goal, however, will be to show that for this and other reasons their political theories are partially applicable to the international level. Looking at the political and economic integration of Europe, I suggest that the formation of the High Authority, a supranational organ of the European Coal and Steel Community (ECSC), was driven by a rationale similar to the one outlined by Hobbes in *Leviathan*, and that the creation of the Cohesion Fund, a distributive instrument of the European Union (EU), was moved by an imperative similar to the one described by Rawls in *A Theory of Justice*. Having shown that the general logic behind the establishment of Hobbes's common authority and Rawls's redistribution scheme, though not necessarily every single feature of these theoretical constructs, applies to the regional level, I examine in a second step whether Europe

and, as such, Hobbes's and Rawls's political theories, can be a model of what could happen at the global level. I argue that there are not sufficient similarities between the domestic realm and the regional realm, on the one hand, and the global realm, on the other hand, for Hobbes's idea of a common authority and Rawls's notion of a redistribution scheme to apply to the world as a whole.

Central to this study is the claim that analogical reasoning from the domestic to the international realm can only be fruitful when it takes into account the national interest. In my attempt to bring in a more realist stance in the field of normative enquiry, I do not seek 'middle-ground ethics', a compromise between real-world interests and moral ideals, as has been characteristic of the English School (Nardin, 2011). Nor do I seek a 'realistic utopia', an idea that Rawls entertains in *The Law of Peoples*, which '*sets limits to the reasonable exercise of power*' (Rawls, 1999a: 6, my emphasis). Rather, this work tries to speak to both realism and normative international relations theory in that it *sets rational limits to the exercise of norms*. Taking states as they are, the following analysis explores how far the Hobbesian logic of order and the Rawlsian logic of justice can be pushed in international relations.

But maybe it is time to overcome categories such as English School, realism and normative international relations theory altogether. For if concepts from political theory find an extension to the international realm, the very separation of political theory and IR breaks down, and with it categories like these. At its most basic level, then, this work can be read as an attempt to problematize the binary division between political theory and IR.

The idea behind this work goes back to my MSc thesis, 'Towards a World State Along Hobbesian Lines? A Reappraisal of Bull's Critique of the Domestic Analogy in Light of the 21<sup>st</sup> Century', that I submitted to Royal Holloway University of London on 4 September 2009. Some of the thoughts presented in that thesis appear in revised form as part of chapter 4, section 1; chapter 6, sections 1-3; and chapter 7, sections 1-3.

I would like to thank first Nathan Widder for his excellent supervision, extensive feedback and insightful criticisms throughout the project, and in particular after the departure of Stephanie Carvin. I am thankful to Stephanie for inspiring and encouraging me to pursue this project in the first place. I further want to express my gratitude to various academics in Royal Holloway's Department of Politics and International Relations for their help and advice, in particular Michael Bacon, Tom Dyson, Julia Gallagher, Evelyn Goh, Alister Miskimmon, Ben O'Loughlin, Jonathan

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# 1. Introduction

Whereas the domestic political realm in many states has witnessed an impressive degree of progress, with institutions providing for order *and* justice, the international realm in the era of the modern states-system has been characterized by a precarious order and the *absence* of justice. (Dunne, 2011: 101; italics in original)

This quote, extracted from a (possibly *the*) standard textbook of IR, reflects the widely held view that the domestic sphere is marked by a considerable degree of order and justice, whereas international relations remains the sphere of disorder and injustice. This gives rise to the question of whether the institutions that provide for order and justice domestically can be reproduced on an international scale.

Maybe not surprisingly, there has been a growing interest in issues of global government and global justice in recent years.<sup>1</sup> With a view to global government, this has produced a wide range of studies that, according to Luis Cabrera (2010a: 512), is only exceeded by the world state ‘heyday’ of the mid twentieth century.<sup>2</sup> Operating on the premise that the conditions of order are the same among states as they are within them, figures like Richard Falk (2001; 2011), Daniele Archibugi (2002; 2008), David Held (2004; 2010) and Raffaele Marchetti (2006; 2008) have argued for the extension of limited government to the international level, while others such as Yael Tamir (2000), Campbell Craig (2003), Amitai Etzioni (2004), Louis Pojman (2006), Furio Cerutti (2007), Strobe Talbott (2008) and Torbjörn Tännsjö (2008) have gone a step further to demand the creation of a more integrated world state. What these writers have in common is that their arguments are morally grounded: global government has to come because it is the only way to make international politics accountable, to reduce persecution and suffering, to protect human rights, to fight terrorism and organized crime, to advance economic justice, to stop environmental degradation and the spread of communicable diseases, to eradicate poverty, to control nuclear weapons and financial markets and, more generally, to provide order in an otherwise chaotic environment. Far less attention has been paid by these writers to the practicalities of

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<sup>1</sup> One indicator of the prominence of these issues is the recent publication of numerous edited volumes on both global government and global justice. For the former, see Cabrera (2011) and Prokhovnik and Slomp (2011); for the latter, see Shapiro and Brilmayer (1999), Coates (2000), Pogge (2001), Brock and Moellendorf (2005), Weinstock (2007) and Brooks (2008). At times, there is only a thin line between proposals for global government and global justice. For cosmopolitanism in general, see Brock and Brighouse (2005).

<sup>2</sup> For timely overviews, see Craig (2008), Weiss (2009) and Cabrera (2010a).

their proposals.<sup>3</sup> Notable exceptions are Alexander Wendt (2003) and Daniel Deudney (2007), who have been less concerned with the desirability of global government than with its feasibility (and, in fact, inevitability). While Wendt's argument is more complex than Deudney's, both thinkers argue on explicitly Hobbesian grounds that in the face of new military technologies, security interests point to a transfer of these technologies to some sort of global Leviathan.<sup>4</sup>

While the attention that issues of global government have received since the turn of the millennium is remarkable, the sheer amount of writing that has been produced on issues of global justice is simply unprecedented.<sup>5</sup> Prompted mainly by Rawls's publication of *The Law of Peoples* in 1999, but also by his previous comments on international justice, cosmopolitan thinkers have engaged in a lively debate as to why Rawls's scheme of distributive justice must extend globally. Similar to the global government debate, this is primarily a normative debate, with proponents of global justice paying little or no attention to the prospects of establishing such a scheme. This is particularly true of 'interactional' or 'nonrelational' cosmopolitans – be it contractarians such as David Richards (1982) and Brian Barry (1989a; 1995a; 2002), consequentialists such as Robert Goodin (1985) and Peter Singer (2004), or basic needs and rights-based theorists such as Henry Shue (1996) and Charles Jones (1999) – who believe principles of justice to apply irrespective of the relation in which the actors stand. But even 'institutional' or 'relational' cosmopolitans such as the early Charles Beitz (1979), Thomas Pogge (1989; 1992) and Darrel Moellendorf (2002; 2009), for whom principles of justice are reliant on empirical facts of international interdependence, tend to neglect issues of institutional implementation.<sup>6</sup> It is only recently that Pogge (1998; 2002; 2011), turning from purely philosophical questions to practical ethics, has considered reasons for why states could adopt his proposed Global

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<sup>3</sup> In fact, some writers are quite explicit that their proposals cannot be translated into reality. Reardon and Mendlovitz (1973: 160) concede that their model of global government 'is admittedly utopian', and Tamir (2000: 251) writes that she has no quarrel with the claim that her idea of a world state is 'an unrealistic utopia'.

<sup>4</sup> Most other inquiries into the likelihood of global government are highly speculative. See, for example, Peregrine, Ember and Ember (2000), Rodrik (2000) and Carneiro (2004).

<sup>5</sup> For excellent, although slightly outdated, discussions, see Brown (1997), Beitz (1999a) and Caney (2001).

<sup>6</sup> The distinction between 'interactional' and 'institutional' cosmopolitanism goes back to Pogge (1992). The related distinction between 'nonrelational' and 'relational' cosmopolitanism is borrowed from Sangiovanni (2007). These taxonomies should not to be mistaken for the distinction between 'moral' and 'institutional' cosmopolitanism as it has been popularized by Beitz (1994). According to Beitz, moral cosmopolitans think that the individual should be treated as the ultimate unit of moral concern, whereas institutional cosmopolitans also believe that the global institutional framework should be reorganized along cosmopolitan lines.

Resources Dividend. Here he is in line with Cabrera (2004), who devotes the last chapter of his book, *Political Theory of Global Justice*, to possibilities of establishing institutions that could ensure the fulfilment of self-development rights, and Gillian Brock (2009), who, in the second part of her book, *Global Justice*, tries to close the gap between theory and practice.<sup>7</sup>

What should be evident from this brief review of the literature is that most arguments for global government and global justice are moral arguments with little interest in demonstrating practical attainability. While there are singular voices that have tried to show that states have a vested interest in certain cosmopolitan projects, the general thrust of Beitz's (1994: 126) statement that 'it is hard to think of anyone who has defended institutional cosmopolitanism on other than cosmopolitan moral grounds' remains true today. Taking the cue from Hobbes and Rawls, this work makes the case for an extension of order and justice to the international level. But unlike most of the aforementioned cosmopolitan thinkers, it does so on prudential grounds. This is because, or so I will argue, Hobbes's and Rawls's case against the extension of a common authority and a redistribution scheme to the international level is fundamentally premised on the assumption that it is not in all states' interest to cooperate. As such, I try to meet Hobbes and Rawls on their own terms. The underlying question of this study, then, is whether political theories of order and justice *can* (as opposed to *ought to*) be applied to the international level.

The term 'domestic analogy' is commonly used to refer to the argument that endorses such a transfer.<sup>8</sup> Introduced by Charles Manning in a lecture held in 1935 at the Geneva Institute of International Relations, it was Hedley Bull who made the term a popular expression. By domestic analogy, Bull (1966: 35) means

the argument from the experience of individual men in domestic society to the experience of states, according to which the need of individual men to stand in awe of a common power in order to live in peace is a ground for holding that states must do the same. The conditions of an orderly social life, on this view, are the same among states as they are within them: they require that the institutions of domestic society be reproduced on a universal scale.

This definition of the domestic analogy is problematic on at least two grounds.

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<sup>7</sup> See also Valentini (2011a) and Ypi (2012), who argue for a cosmopolitanism that is able to account both for its normative desirability and its political feasibility and motivational sustainability. In the end, both writers are making more concessions to statism than seems compatible with the cosmopolitan ideal.

<sup>8</sup> For a discussion of the term 'domestic', see the second section of this introductory chapter. The term 'analogy' originally signified a proportion. Later it also referred to a similarity, and it is this meaning that is used most widely today (Bottici, 2009: 20). The Oxford Dictionary of Philosophy (1994), for example, defines analogy as a 'respect in which one thing is similar to another'

Firstly, it is not very clear from the definition if the analogy is taken from practical experience or abstract theory, or both. While it is true that Bull speaks of ‘the experience of individual men in domestic society’, his phrase ‘to stand in awe of a common power’ suggests that he is referring to Hobbes’s theoretical image of the state of nature. This ambiguity about the source of the analogy is preserved in later writings on the domestic analogy. Chiara Bottici (2009: 11), for example, refers to the domestic analogy as an analogy ‘taken from the experience of individuals within states’, only to claim in the next sentence that the domestic analogy is an analogy ‘taken from political theory’. While Bottici, in her discussion of thinkers who make use of the domestic analogy, gives examples of both analogies, it is the latter analogy, applying political theory to international reality, that has been used most frequently in reasoning about international relations (Beitz, 1979; Jahn, 2000; Rolf, forthcoming).

A second problem with Bull’s definition of the domestic analogy, Hidemi Suganami (1989: 28) and Bottici (2009: 24) have pointed out, is that Hobbes’s theory of order is not the only one that might be transferred to the international level. Consequently, Suganami (1989: 24) and Bottici (2009: 26) define the domestic analogy in broader terms as reasoning about international relations based on the idea that since the domestic realm and the international realm are similar in a number of respects, a given proposition that is valid for the first realm will presumably also be so for the second. As Suganami (1989: 24) elaborates:

A line of argument involving the domestic analogy therefore assumes explicitly or implicitly that there are some similarities between domestic and international phenomena, that there already exist some propositions which hold true domestically and internationally. It also asserts that a certain other proposition is valid with respect to the domestic sphere. And, without being able as yet to demonstrate the truth of the proposition with regard to the international sphere, it concludes, presumptively, that the proposition will hold true internationally also.

The domestic analogy can thus be seen as a specific type of analogical reasoning, with analogical reasoning being defined as reasoning that ‘since things are alike in some ways, they will probably be alike in others’ (The Oxford Dictionary of Philosophy, 1994).

Bottici (2009: 21-22) tells us that analogical reasoning presupposes both similarities between two phenomena (what she calls the positive moment of the analogy) and differences between them (what she calls the negative moment of the analogy). It presupposes differences, because when the differences between the two phenomena disappear we can no longer speak of analogy, but rather of identity.

Bottici's (ibid) usage of the plural – she repeatedly speaks of 'differences' – suggests that analogical reasoning presupposes more than one difference between two phenomena. However, as a matter of fact, a single difference between two phenomena is sufficient to deny identity. Since the domestic analogy is drawn between domestic and international phenomena, the negative moment of the analogy is always given.

Analogical reasoning presupposes similarities, on the other hand, because when there are too many differences between two phenomena we must speak of a weak analogy. Here it is important to take into account not only the quantity but also the quality of similarities. As Bottici (ibid: 33) makes clear: 'The greater the similarity, that is, not only the number of propositions that are true for both domains, but above all the relevance of the properties considered to be valid for both, the stronger the analogy' (see also Aronovitch, 1997: 81). The strongest possible analogy would then be an analogy that is drawn between two phenomena that are similar in all circumstances except one. In light of this, it is odd that Bottici (2009: 23) speaks of 'a difficult balance between the prevalence of the negative or positive moment' in which 'every form of analogical reasoning must find its own equilibrium'. Rather, we can say that the greater the similarity between domestic and international phenomena, the stronger the analogy.

With its focus on similarities, analogical reasoning approaches inductive forms of reasoning. For J. S. Mill (1973: 555), the two methods are so related that 'we have nothing here by which to discriminate analogy from induction'. Immanuel Kant (1988: 137), though, discerns some differences, which he sums up as follows: 'One in many, hence in all: induction; much in one (that is also in others), thus also the remainder in one: analogy'. While inductive and analogical reasoning are related in that both rely on the positive moment, the two need to be kept separate because the negative moment is only present in the latter (Bottici, 2009: 20-21).<sup>9</sup> It is this reliance on difference that makes analogical reasoning vulnerable vis-à-vis other forms of reasoning. As Bottici (ibid: 22) notes, 'opponents of an analogy can always point to its negative moment, that is, the differences existing between the members of the analogy, to criticise the strength of its argumentation'. In fact, claims about the differences between the domestic realm and the international realm figure prominently among arguments against the domestic analogy, as will become clear in due course.

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<sup>9</sup> Deductive reasoning, on the other hand, does not depend on either moment but on the value or validity of the premise(s) taken at the outset. In chapter 5, it will be shown that this kind of reasoning has often been wrongly associated with analogical reasoning.



In this work I shall defend the domestic analogy as a valuable methodological tool that can advance our knowledge of international relations. My hypothesis is that because of certain changed conditions the two spheres, the domestic and the international, are similar enough as to conclude, presumptively, that Hobbes's logic of a common authority and Rawls's logic of a redistribution scheme carry over from the domestic to the international sphere. The case studies presented in part III are intended to test this hypothesis. While my study of European political and economic integration confirms that Hobbesian and Rawlsian logics were at work in the creation of the High Authority and the Cohesion Fund, respectively, my study of global structures and processes suggests that the regional and global realms are too dissimilar for these logics to work at the global level. I will therefore argue that, at least at the regional level, the domestic analogy can give us insight into international political and economic phenomena.

Coming back to the underlying question of this work – the question of whether political theories of order and justice can be applied to the international level – it is possible to identify three main caveats. Firstly, there is the realist argument that in the anarchical condition of international relations, where national interests override moral considerations, there is little room for normative categories such as order and justice. As Robert Gilpin (1986: 304) put it once: 'Anarchy is the rule; order, justice, and morality are the exceptions'. On this view, order and justice are simply not made for international relations. Secondly, and partly as a consequence thereof, scholars have argued that different theories apply to the domestic and international realms. This argument has presumably found its clearest expression in Martin Wight's (1966: 33) infamous phrase that political theory is 'the theory of the good life' and international theory 'the theory of survival'. From this perspective, political theory and IR are wholly separate enterprises that have little, if anything, to offer to each other. A third argument against the reproduction of order and justice on an international scale concerns the conflict between the two values itself. Bull (1995 [1977]: 83), one of the first thinkers to address the relationship between order and justice in the international context, concludes that there is 'an inherent tension between the order provided by the system and society of states, and the various aspirations for justice that arise in world politics'. As the title of Bull's fourth chapter, 'Order versus Justice in World Politics', suggests, the simultaneous pursuit of order and justice in international relations is found to be problematic.

A closer look at the three arguments reveals that each of them is built upon a seeming dichotomy: self-interest versus morality, political theory versus IR, order versus justice. The following three sections explore, in reverse order, these three dichotomies, and show that the antagonistic pairs are not as mutually exclusive as they are depicted. The aim of this rather lengthy undertaking is not only to prepare the ground for my argument that the institutions that make for order and justice domestically can be – and, in fact, have been – extended internationally, but also, on a more basic level, to review the relevant literature, to define the basic terms and to introduce the central issues of this study. In the fourth and final section of this introductory chapter, I then defend my choice to look at these issues through the lenses of Hobbes and Rawls.

### **Order vs. justice: the substantial dimension**

This section introduces the substantial dimension of my study. I define order and justice in the first place, then sketch their relationship in the international context, and finally consider what order and justice require.

Order has been endowed with both a formal and a purposive meaning. In its formal version, it is perceived as a stable and regular pattern of human behaviour (Hurrell, 2007: 2). International order can then be defined as ‘a relationship among specific states that produces and reinforces shared understandings of expectations and behaviours with respect to one another’ (Mattern, 2005: 30), whereas world order is to be understood as ‘the routinized arrangements through which world affairs are conducted’ (Rosenau, 1992: 22). Order, in any of these forms, has to do with stability and predictability as opposed to chaos and uncertainty. For some writers, though, a definition of order must also include a purposive element. As Robert McKinlay and Richard Little (1986: 15) suggest:

The conceptualisation of order purely as pattern is inadequate once we focus on systems involving human intervention. The reason is that humans endow their behaviour with purpose and meaning. Human behaviour is goal oriented and it is necessary to incorporate goal orientation into a conceptualisation of order.

Bull (1995: 3-4), understanding order as a purposive pattern that sustains the elementary or primary goals and values of social life, has provided such a purposive and goal orientated conceptualization of order. For him, international order is ‘a pattern of activity that sustains elementary or primary goals of the society of states’

(ibid: 8), and world order signifies ‘those patterns or dispositions of human activity that sustain the elementary or primary goals of social life among mankind as a whole’ (ibid: 19). Note that purposive order is more comprehensive than formal order: there is nothing in formal order that is not also present in purposive order. In this work I shall confine myself to the study of formal order.

Like order, justice has been given both a formal and a purposive meaning. In its formal version, a just act is one that conforms to certain rules (Nardin, 1983: 259). Formal justice roughly corresponds to what Hobbes (1998 [1651]: 99-100) calls commutative justice and to what Rawls (1973 [1971]: 108-109) calls justice for individuals. In the international context, formal or commutative justice is often associated with international justice, which concerns ‘the moral rules held to confer rights and duties upon states and nations’ (Bull, 1995: 78), but it applies just as much to mankind as a whole. In its purposive version, a just act is one that serves good ends (Nardin, 1983: 259). Purposive justice roughly corresponds to what Hobbes (1998: 99-100) calls distributive justice and to what Rawls (1973: 108-109) calls justice for institutions. In the international context, purposive or distributive justice is sometimes associated with world justice, which concerns ‘the common ends or values of the universal society of all mankind, whose constituent members are individual human beings’ (Bull, 1995: 81), but it must also be directed to states. Note that formal and purposive justice do not stand in the same relationship as formal and purposive order. Rather, a just act ‘must be understood as having both a purposive and a formal aspect – that is, as being at the same time action directed toward some substantive good and action relative to certain rules’ (Nardin, 1983: 266-267). Simply put, purposive justice prescribes ends, whereas formal justice governs the pursuit of these ends (ibid: 259). In this introductory chapter, I am concerned with purposive or distributive justice (henceforth, distributive justice), while in the next two chapters I turn to formal or commutative justice (henceforth, formal justice).

In Bull’s (1995: 93) judgement, there is a sense in which order is prior to justice. This is because ‘justice, in any of its forms, is realisable only in a context of order’ (ibid: 83). In the absence of order, Bull (ibid: 93) maintains, ‘a just distribution of burdens and rewards in relation to the world common good can have no meaning’. The reverse argument that a just distribution of burdens and rewards is necessary to promote order in that it forestalls ‘an incipient revolt’ of the poor against the rich is disqualified by Bull (ibid: 84). He even claims that there is ‘incompatibility’ between

world justice and international order, because the former implies the destruction of the latter (ibid: 89).

Bull came to revise this view of the priority of order over justice towards the end of his life. Whereas in *The Anarchical Society* he argues that order is a precondition for justice, he later claims that justice is a precondition for order.<sup>10</sup> In an address titled 'The International Anarchy in the 1980s', Bull (1983: 128-129) recognizes that 'we must take the Third World seriously primarily because of the vital interest we have in constructing an international order in which we ourselves will have a prospect of living in peace'. The global rich should therefore 'be ready to accommodate the demands of the Third World countries for a redistribution of wealth' (ibid: 129). Having identified trade-offs between world justice and international order in his earlier writings, Bull (1984: 14), in another address titled 'Justice in International Relations', makes explicit that 'the measures that are necessary to achieve justice for the peoples of the Third World are the same measures that will maximise the prospects of international order'. Order and justice are no longer incompatible but mutually reinforcing. This change in Bull's thought reflects the prevalent understanding that order and justice are inextricably intertwined.<sup>11</sup> In light of this, we can hardly study order without justice, and justice without order. Hence, the focus of this study will be on order *and* justice.

Having sketched the meaning of order and justice, as well as their relationship in the international context, we have yet to determine what they require. Terry Nardin (1983: 40) has distinguished between 'two levels of rule-governed order', namely 'the possibly unstable and unreliable order' where actors are associated in terms of common rules but without the benefits of a government to secure observance of these rules, and 'the presumably more stable order' that appears where rules and government are united. With a view to international relations, it is then possible to discern 'two families of solutions' (Bateson, 1993: 245) to the problem of order. The first one, made popular by Bull, seeks to secure order within a politically diverse 'global civilization' (ibid: 246), whereas the second one, going back to Hobbes, is modelled on the state and proposes the establishment of some 'central authority' (ibid: 247). Similarly, Rengger (2000: 21) distinguishes between 'two very broad families of responses' to the problem of order, the first of which tries to manage order within the

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<sup>10</sup> More precisely, Bull maintains that distributive justice is a precondition for order. As we shall see in the next chapter, Hobbes claims that formal justice, too, is a precondition for order: a world in which people do not perform their covenants is the anarchical world of the state of nature.

<sup>11</sup> See, for example, the essays in Foot, Gaddis and Hurrell (2003).

international system as it is presently constructed, and the second of which suggests that the problem of order can only be solved when the state system is effectively transcended.

We are thus faced with two very broad concepts of what order requires: the institutions operative in the state system or the institutions operative in a world state. This leaves us with two options: we might try either to combine the two or to endorse one concept and resolve to ignore the other concept. Given that a system of sovereign states, which entails a decentralization of power, and a world government, which implies a centralization of power (at least to some extent), are mutually exclusive, we can relatively easily rule out the former option.

We then have to choose between the order provided by a system of sovereign states and the order provided by a world government. Advocates of either concept have gone to great lengths to demonstrate that their favoured concept provides the most viable and stable path to order.<sup>12</sup> However, as this study makes use of the domestic analogy, we do not have to weigh the pros and cons of each concept in order to choose one. This is because the way in which order is maintained in domestic society is by government. Hence, there is a good reason to resort to Hobbes's concept of order in my study of international order.<sup>13</sup> Here I am in line with Deudney (2000) and Wendt (2003), with the two crucial exceptions that they pay no or only little attention to already existing *regional* supranational structures and that I am more sceptical with regard to the possibility of a *global* supranational structure. As such, my study seeks to complement and contrast these works at the same time.

The question of what justice requires seems to be more complex, as there is considerable dispute over the substance of distributive justice.<sup>14</sup> 'Unlike order', Bull (1995: 75) writes, 'justice is a term which can ultimately be given only some kind of

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<sup>12</sup> For the argument that the state system affords a better prospect of achieving order than a world state, see Keohane (1989); for the converse argument, see Deudney (2000). Constructivists seem to be divided on this issue: compare, for example, Reus-Smit (2003) and Wendt (2003). A similar controversy can be found in debates about global justice, where moral cosmopolitans such as Nussbaum (2000) believe that problems of justice can be dealt with adequately in the system of states, and institutional cosmopolitans such as Cabrera (2004) urge for a more integrated system. While the present work points to a number of areas where cooperation among states is possible, it seems plausible to think that only a fully integrated system can bring about the stable order and profound justice for which we should ultimately strive.

<sup>13</sup> This being said, my engagement with Hobbes, as my engagement with Rawls and, in fact, every other thinker in this study, remains selective and subjective.

<sup>14</sup> The substance of formal justice is less disputed, as it simply requires conformity to rules, whatever these rules are. Equally, the substance of formal order cannot be in dispute, because it refers to a pattern, whatever this pattern is.

private or subjective definition'.<sup>15</sup> Since Rawls, at least, there is broad agreement that distributive justice has to do with the proper distribution of benefits and burdens of social life.<sup>16</sup> With a view to international relations, a just distribution would then be one where every state receives exactly those benefits and burdens that are its due. This, however, leads to the question of what it is that is due to an actor. It is here that the consensus falls apart.

Amartya Sen (2009) identifies utilitarianism, egalitarianism and libertarianism as the main contenders. To illustrate the difficulties in deciding between them, Sen (*ibid*: 12-15) gives the example of three children – Anne, Bob and Carla – quarrelling about a flute, and putting forward competing claims why they should get it. Anne defends her case for having the flute by pointing to the fact that she is the only one of the three children who knows how to play it. Bob claims the flute on the ground that he is poor and therefore cannot afford any toys. Carla defends her case for having the flute by pointing to the fact that she has been working diligently for many months to make the flute with her own labour. We can see that all claims are grounded in a particular conception of justice. Anne, the only one who can play the flute, would probably get support from the utilitarian, focusing on effective use. Bob, the only one who has no toys, would receive sympathy from the egalitarian, putting emphasis on equal endowments. Carla, the maker of the flute, could almost certainly count on the support of the libertarian, concentrating on entitlement. The three principles on the basis of which a person's due can be determined, then, are those of efficiency, equality and desert. Similar tripartitions have been suggested by Nardin and by David Miller. Like Sen, Nardin (1983: 260) identifies the principles of efficiency and equality as constituents of distributive justice, but substitutes the principle of need for the principle of desert. Miller (2003: 62) includes the principle of equality (like Sen and Nardin), the principle of desert (like Sen) and the principle of need (like Nardin).

We are thus faced with four concepts of what justice requires: a distribution of the benefits and burdens of social life according to considerations of equality, efficiency, desert or need. As in the case of order, this leaves us with two options: we might look either for a theory of justice that combines all four concepts, or endorse one

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<sup>15</sup> As Mattern (2005: 28) notes, this is a somewhat bogus claim, because the equivalent of distributive (or purposive) justice is purposive order. But why believe that the ends Bull (1995: 16-18) identifies as the elementary or primary ends of international order – maintenance of the state system, state sovereignty and peace as the normal condition of international relations – are any less subjective than those prescribed by conceptions of justice?

<sup>16</sup> See, for example, Rawls (1973: 4; 2001: 7), Miller (1976: 19; 2003: 1), Richards (1982: 277), Barry (1989a: 355), Jones (1999: 3) and Brighouse (2004: 2).

concept and resolve to ignore the other concepts. If we can find a theory, however imperfect, that gives weight to all four concepts of justice and is able to provide guidance in cases of conflict, we would not be confronted with the difficult – one might say impossible – task to justify our choice of one concept of justice.<sup>17</sup>

Rawls has some claim to have developed such a unifying theory. In order to evaluate whether he succeeds in reconciling the different concepts of justice, we have to consider his two principles of justice. Rawls's (1973: 302) final statement of the two principles reads as follows:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

2. Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged ... and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

We do not have to inquire into Rawls's first principle and the second part of his second principle to see that they are principles of equality (ibid: 106). More difficult is it to assign a concept of justice to the first part of Rawls's second principle, the difference principle. This principle, too, contains a notion of equality 'in the sense that unless there is a distribution that makes both persons better off ... an equal distribution is to be preferred' (ibid: 76). But the difference principle also contains a notion of (Pareto) efficiency as it allows for a departure from equality when the inequalities are to everyone's benefit and to the greatest benefit of the least advantaged.<sup>18</sup> Rawls (ibid: 79) confirms that

the difference principle is compatible with the principle of efficiency. For when the former is fully satisfied, it is indeed impossible to make any one representative man better off without making another worse off, namely, the least advantaged representative man whose expectations we are to maximize.

The latter phrase indicates that the difference principle also achieves some of the intent of the principle of need. By maximizing the expectations of the least advantaged, it tries to cater to basic needs. In addition, the difference principle gives some weight to

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<sup>17</sup> Such a choice would certainly be influenced by one's personal circumstances and the society in which one is raised. Generally speaking, the principles of equality and need appeal more to communist and social-democratic countries such as Cuba and Sweden, respectively, whereas the principles of efficiency and desert appeal more to liberal countries such as the US.

<sup>18</sup> The notion that everyone benefits when the position of the least advantaged is maximized follows from Rawls's (1973: 80) assumption of chain connection: '[I]f an advantage has the effect of raising the expectations of the lowest position, it raises the expectations of all positions in between'. For a critique of this assumption, see Arrow (1973: 252).

the principle of desert. Provided that the better endowed use their greater ability and skill to improve the expectations of the less fortunate, Rawls (ibid: 75) believes that the higher rewards they receive from their greater ability and skill are just.<sup>19</sup>

But can Rawls's theory give guidance in cases where considerations of equality, efficiency, desert and need conflict? According to Rawls (ibid: 302-303), the two principles of justice have to be applied in lexical order, whereby the first principle takes precedence over the second, and the second part of the second principle takes precedence over the first. Accordingly, equal liberty and fair equality of opportunity (containing the principle of equality) need to be fully satisfied before the difference principle (containing the principles of equality, efficiency, desert and need) is allowed to operate, whereby the rationale behind the difference principle is as follows: Rawls starts from an argument of equality, appeals to the principle of efficiency (thereby accommodating the principle of desert) and corrects it with the principle of need (Audard, 2007: 146). This establishes a more or less strict priority among the different concepts of justice.

Having examined Rawls's two principles of justice in some detail, we can say that they are a compromise of four ultimate principles, namely the principles of equality, efficiency, desert and need. Although this compromise is far from perfect, it must be seen as the best attempt that has been made so far to accommodate the different concepts of justice. There are thus good reasons to resort to Rawls's theory of justice in my study of international justice. Here I am in line with thinkers such as Beitz (1979) and Pogge (1989). However, I claim that too little attention has been paid by these thinkers to already existing *regional* redistribution schemes and that too much optimism has reigned their arguments for a *global* redistribution scheme. Again, I see my study as both complementing and contrasting these works.

### **Political theory vs. IR: the spatial dimension**

This section presents the spatial dimension of my work. Before I examine the relationship between political theory and IR, I briefly inquire into the nature of their subjects. Although both 'political' ('pertaining to the polis') and 'international'

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<sup>19</sup> Note that what makes Rawls believe that their higher rewards are just is not the idea that the better endowed deserve it because of their greater ability and skill (for no person deserves his or her greater natural assets according to Rawls), but the idea that they are legitimately entitled to it because of their contribution to the well-being of the less fortunate. The principle of desert then finds its way into Rawls's difference principle by way of 'legitimate expectations' (Miller, 1976: 49).



(‘between nations’) are spatial specifications, the former has lost somewhat of its spatial connotation. Hence, we better say that the subject of political theory is domestic politics, while the subject of IR is international politics. This gives rise to the question of what we mean by ‘domestic’ and ‘international’.

While many academics use the term ‘domestic’ to refer to anything that takes place within rather than between states (‘domestic’ as the opposite of ‘international’), there is also a second meaning, going back to the early social contract theorists, according to which ‘domestic’ refers to the civil rather than the natural state (‘domestic’ as the opposite of ‘state of nature’).<sup>20</sup> Unfortunately, this second meaning has been widely neglected in the literature on the domestic analogy. For example, Bottici (2009), in her book *Men and States: The Domestic Analogy in a Global Age*, treats the analogy from the state of nature to international relations as an instance of the *domestic* analogy.<sup>21</sup> As this (mis)treatment is to be found not only in Bottici’s work, but also in the writings of Bull (1966; 1995) and, to a lesser degree, Suganami (1989) – the other two thinkers who have systematically dealt with the domestic analogy – I will, as a matter of consistency, ignore the second meaning and use ‘domestic’ not as the opposite of ‘state of nature’, but, more generally, as the opposite of ‘international’. What, then, do we mean by ‘international’?

The term ‘international’ can be misleading in two ways. For one thing, when we speak of international relations it is almost always relations between states and not between nations that we are talking about. As it would be distracting to use the less established term ‘interstate’ each time that I am referring to relations between states, I will use the incorrect term ‘international’ most of the time. International relations can refer to relations between states both on a regional and on a global level. The second reason for why the term ‘international’ can be misleading is that the discipline of IR has followed a rather broad agenda in that its concern has been not only with states, but with a broader range of political actors such as non-state actors, intergovernmental and supranational institutions, and mankind as a whole. While in the previous section, where I drew a clear line between international order and justice (order and justice among states) and world order and justice (order and justice among mankind as a

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<sup>20</sup> Social contract theorists such as Hobbes, Locke, Pufendorf, Wolff, Vattel, Rousseau and Kant all made references to a state of nature in juxtaposition to civil society. For them, the procedure by which people contract out of the state of nature and submit to a common government is the procedure by which they become civilized, that is, *domesticated*.

<sup>21</sup> Elsewhere, I suggest that the term ‘state of nature analogy’ would be more appropriate (Rolf, forthcoming).

whole), I used ‘international’ in its narrow sense, the term has become too much of a catch-all phrase in IR as to maintain this usage. I will therefore use ‘international’ in its broad sense, knowing full well that the domestic analogy is drawn between people and states, that is, between the ‘domestic’ and the ‘international’ in its narrow sense.

Having somewhat clarified the terms ‘domestic’ and ‘international’, we can now examine why they are widely believed to require separate kinds of reasoning. For centuries, only domestic politics had been subject to systematic reflection. According to Wight (1966: 21), the belief in the sovereign state as the culmination and consummation of politics absorbed almost all the intellectual energy. International politics was regarded as ‘the untidy fringe’ of domestic politics, worthy at most of an additional chapter, which can be skipped by all save the student with an interest in it (ibid). ‘Is it more interesting that so many great minds have been drawn, at the margin of their activities, to consider basic problems of international politics’, Wight (ibid: 19-20) asks, ‘or that so few great minds have been drawn to make these problems their central interest?’ It must have been this lack of interest on the part of political theory that contributed to the emergence of IR as an academic discipline at the beginning of the last century.

But it is not only political theory that is to blame for the growing alienation that came to define political theory and the nascent discipline of IR. While the original impetus for IR as a subject in its own right may well have come from the belief that international politics cannot be adequately addressed within the framework of political theory, it was also a matter of IR’s emancipation – its aim to become recognized as a separate branch of academic enquiry – to cut its ties with political theory. ‘If international phenomena could be understood sufficiently well through the application of the existing ideas about domestic phenomena’, Suganami (1989: 10-11) points out, ‘then the claim for International Relations to be a separate subject would be undermined’. Bottici (2009: 11) affirms that resorting to analogies taken from the domestic sphere was seen as ‘a sign of infancy’ in the newly established discipline of IR.

Thus, while ‘political theorists have focused more and more on the logical and normative dimensions of what goes on inside the state, IR theorists have turned more and more to the interactions between states and the structures of the international system as a whole’ (Buzan, 2000: vii). While it is true that a ‘few brave souls’ have

tried to sustain contact,<sup>22</sup> it is equally true that today ‘most of the core debate in political theory largely ignores the international dimension, and most of the core debate in IR is largely ignorant about the concerns of mainstream political theory’ (ibid). How long, one might ask, can the two disciplines afford to sustain this shared ignorance? There is some evidence that the phenomenon that has been labelled globalization is not only bringing the world closer together, but also the two disciplines.

Over the last two decades or so, there has developed a growing body of thought, which claims that the state – the very subject of political theory – is becoming increasingly irrelevant in the face of globalization processes.<sup>23</sup> In order to assess this claim, we first need a conception of the state. The original conception of the state is that of the security state.<sup>24</sup> Hobbes (1998: 147), one of the first theorists of the state, understood the ‘obligation of subjects to the sovereign ... to last as long, and no longer, than the power lasteth, by which he is able to protect them’. Security, K. J. Holsti (1996: 108) confirms, is the most fundamental service purchased in the implicit contract between people and the state. Later, in the nineteenth and twentieth century, the state also acquired a function as a provider of welfare.<sup>25</sup> For Rawls (1973: 4), society constitutes ‘a cooperative venture for mutual advantage’, but it needs the ‘basic institutions of society’, that is, the state, to distribute the benefits and burdens that stem from social cooperation in such a way as to make the cooperative venture a mutually beneficial one. Although states existed before the emergence of a developed market

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<sup>22</sup> Buzan and Little refer to Michael Walzer, Brian Barry and Chris Brown. More contemporary examples include Frost (1996), Hutchings (1999), Rengger (2000), Cabrera (2004), Erskine (2008) and Beardsworth (2011).

<sup>23</sup> Held *et al.* (1999) have usefully distinguished between three perspectives on globalization: the hyperglobalist view, the sceptic view and the transformationalist view. At the core of the hyperglobalist view is the belief that with the intensification of globalization ‘national governments become increasingly unable ... to fulfil by themselves the demands of their citizens’ (ibid: 4-5). Sceptics, ‘far from considering national governments as becoming immobilized by international imperatives, ... point to their growing centrality in the regulation and active promotion of cross-border economic activity’ (ibid: 5-6). Transformationalists, providing the third perspective on globalization, seem to occupy a middle position in that they reject both the hyperglobalist thesis that globalization is rendering state boundaries increasingly irrelevant and the sceptics’ claim that globalization has, if anything, strengthened the state. Instead, they argue that ‘a new sovereignty regime is displacing traditional conceptions of statehood as an absolute, indivisible, territorially exclusive and zero-sum form of public power’ (ibid: 9). Below, the position of the hyperglobalists will be examined in greater detail.

<sup>24</sup> Following Clark (2004), the security state will be defined as a state that has the capacity to produce physical security from internal and external threats. Bearing in mind that perfect security does not exist in any human context, it is relatively safe to say that most states, at least until recently, fit this description.

<sup>25</sup> Following Strange (2004), the welfare state will be defined as a state that allocates welfare by (1) the transfer of resources, (2) the provision of public goods and (3) the making of protective rules. Although the scope on which welfare is allocated differs greatly from state to state, it is hard to think of a country that does not provide welfare in any of these ways.

economy, Susan Strange (1996: xii) observes, ‘the very idea of a social contract could not have been conceived without the economic necessity of civic cooperation between state and society’. The legitimacy of the state, then, seems to rest on both its security and welfare function.<sup>26</sup>

Is the state still capable of meeting its responsibility to provide security? As noted above, the relationship between the state and its security function is a vital one: whenever a significant gap exists between the state’s obligated promise and its potential performance in meeting the security needs of its members, legitimacy deficits will arise (Deudney, 1995a: 101-102). A number of security analysts have claimed that technological globalization – the growing availability of modern technology – has given rise to exactly such a legitimacy deficit. In his *Theory of World Security*, Ken Booth (2007: 8) argues that technology has ‘undermined one of the primary reasons for the existence of the state – its capacity to repel attack by others’. This is because states, in a nuclear age, can no longer protect their own territory and citizens from destruction by physical means, but can at best hope to forestall it by threatening retaliation. Booth (ibid: 90) concludes that ‘the answers to the questions about security must begin by being global’. Similar points have been made by Ian Clark (2004: 186), claiming that we should ‘think more of the globalization of the security state’, and R. J. Harknett (1996: 148), maintaining that the ‘level of vulnerability produced by the threat of nuclear attack is such that territoriality must be rethought’.<sup>27</sup>

But nuclear weapons are not the only novelty that is believed to render the state incapable of effectively performing its function as a security provider. Ulrich Beck (2005: 11) points to the fact that we have reached the threshold of an ‘individualization of war’. By this he means that war, not least because of the increasing proliferation and accessibility of modern technology, can now be waged by individuals against states and no longer solely by one state against another. International terrorism, on this reckoning, undercuts a state’s capacity to prevent harm to its citizens, because defence, in its classical understanding, is no longer possible. This, in turn, undermines the ‘insurance contract’ (Beck, 1995: 107) between the state and its citizens, and, as such,

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<sup>26</sup> This conception of the state corresponds to what Mann (1984) has identified as the four most persistent types of state activity: maintenance of international order and military defence (security function), and maintenance of infrastructure and economic redistribution (welfare function). See also Finer (1997).

<sup>27</sup> For Deudney (1995a: 89), the deterritorialization of the security state becomes a real issue when a legitimacy deficit turns into a legitimacy crisis: ‘On these crisis occasions, the public becomes highly aroused and the politics of nuclear weapons become supercharged with potential for far-reaching institutional change’ (ibid: 118). In chapter 7, I examine whether the terrorist attacks of 11 September 2001 brought about such a legitimacy crisis.

‘threatens to bring about a global delegitimization of the nation-state order – unless endangered nation-states set about rebuilding themselves into transnational states, into cosmopolitan states’ (Beck, 2005: 256). In fact, the ‘only answer to global terror’, Beck (2009: 41) writes in his most recent book, ‘is transnational cooperation’. What Beck has in mind here, quite similar to Booth, is ‘the deterritorialization of politics and of the state in the form of cooperative alliances and international regimes’ (Beck, 2005: 174).

While Booth and Beck may overstate the threat to the state that arises from nuclear weapons and international terrorism, at least when each phenomenon is considered on its own, their underlying assumption that the state is no longer able adequately to address its traditional security function seems to be a valid one.<sup>28</sup> Now, if ‘the state was no longer so important to civil society as a shield against military attack’, Strange (1996: 76) notes, ‘it was perhaps still essential as a shield against economic insecurity’.

Is the state still capable of meeting its other basic responsibility, the provision of welfare? It is true that public spending has increased in most Western countries over the course of the twentieth century (OECD: 2010a). Yet with public debts rising at even higher rates (OECD: 2010b) – here the recent debt crisis in Greece seems to be only the tip of the iceberg – it is unlikely that this trend will continue in the twenty-first century. Behind terms like *New Labour* and *Third Way* in the UK, or *Hartz IV* and *Agenda 2010* in Germany – introduced by social-democratic parties whose ideological positions are opposed to hasty curtailment of social services – hides the attempt to dismantle, or at least to fundamentally reconstruct, existing welfare instruments in order to reduce public expenditures. In light of this, the massive cuts introduced by the British coalition government seem to be just the most recent step in the steady curtailment of the welfare state. With the adoption of the European Fiscal Compact there is even less scope for independent public welfare services.

But to cut back on national debt, governments not only have to reduce expenditures; they also have to increase revenues. Here economic globalization – the

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<sup>28</sup> This is not to say that the technological component of globalization has not also helped the state to comply with its security function, but rather that on balance the state’s ability to provide security is diminished. One has to agree with globalization sceptics that the influence of the state in policy areas like border control and police surveillance has actually increased over the last years. In many cases, though, the state increases its power only in reaction to globalization processes. The US Homeland Security Act, for example, is barely thinkable without the terrorist attacks of 11 September 2001. Here the state’s failure has been precisely its success. As Beck (2009: 40-41) notes, ‘states are at once disempowered (because their established means are becoming useless) and empowered because the call for lost security drowns out everything and justifies everything’.

growing mobility of labour and capital – seems to set certain limits to the state’s most important source of income, taxation. If a state raises taxes on higher income groups, it may provoke people with skills in high demand to live and work in countries where taxes are considerably lower. By the same token, if a state taxes capital at a higher-than-average rate, it is not unlikely that corporations will relocate their production to countries in which economic conditions are viewed as more attractive.<sup>29</sup> The dilemma is that in many cases only capital can generate the necessary revenues, but in order to attract and sustain capital, states have to compete in the global market. The state might then easily find itself in ‘an economic strait-jacket that severely restricts the policies it might want to implement in the name of social justice’ (Miller, 2003: 251). It is partly for this reason that Philip Cerny (1990; 1997; 2005) has argued that the welfare state is undergoing a transformation into a competition state in which public provision is replaced by private provision or none at all. Kok-Chor Tan (2004: 31) affirms that the need to stay globally competitive has forced several developing countries to cut back on public subsidies, liberalize their domestic markets and undercut labour standards, resulting in increased inequality within these countries. But developed countries, too, have witnessed a drift toward growing income inequality (Miller, 2003: 259). While this drift has been most tremendous in the US and UK, where the labour market is less regulated, the countries of Continental Europe may be forced to follow the Anglo-American example if they do not want investors to place their capital elsewhere. According to Beck (2005: 86), this worldwide ‘race to the bottom’ can only be resisted if states extend their activities beyond existing national borders: since it is the inequality of states with regard to taxes, legal supervision and standards of dignified work that allows global corporations to play them off against each other, what is needed is a large-scale expansion of regulative instruments at the global level.<sup>30</sup>

Existing welfare services are then under attack from both a state’s expenditure and revenue sides: while a government’s curtailment of expenditures often means a direct cut in public goods such as education, infrastructure and state pensions, a government’s attempt to increase revenues through the attraction of capital is likely to

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<sup>29</sup> The same logic applies to mobile factors outside the state. Faced with a choice between a lightly regulated environment, characterized by low levels of personal and corporate taxation, and a burdensome welfare state, characterized by high levels of personal and corporate taxation, foreign investors will, all other things being equal, choose the former over the latter.

<sup>30</sup> The ‘race to the bottom’ has essentially the structure of the familiar ‘security dilemma’: when some countries lower, say, corporate tax rates to attract capital, in order to remain internationally competitive, other countries have to lower their corporate tax rates too. However, while an arms race, in principle, could go on forever, the race to the bottom reaches a stable equilibrium when, in this case, corporative tax rates are brought down to zero.

entail a reduction of protective rules such as labour standards, technical safety and environmental protection. Now, if ‘the state’s provision of military security is no longer considered crucial and is therefore likely to decline, while its provision of economic security has reached its highest point’, Strange (1996: 77) concludes, ‘it could be that the net value of national government to society is headed for decline’.

In 1939, shortly after the outbreak of the Second World War, E. H. Carr (1995: 211) observed that with the improvement ‘of the technical instruments of power’ and the growth ‘of large scale capitalism’, the nation-state was no longer an appropriate unit for the assurance of military security and economic well-being. Three years later, he reaffirmed that modern technology and ways of production made the nation-state ‘obsolescent as the unit of military and economic organization’ (Carr, 1942: 39). With the emergence of nuclear weapons and international terrorism, and the growing mobility of labour and capital, Carr’s observation holds even more truth today. While it would certainly carry things too far to proclaim, along with hyperglobalists, the end of the nation-state *per se*, it seems difficult to deny that the capacity of the state to perform the functions on which its legitimacy has rested over the last centuries is being rapidly eroded. Yet when the demands of security and welfare can no longer be effectively met at the national level, the classical functions of the state need to be exercised at a somewhat higher level.<sup>31</sup> By eroding national borders, Bottici (2009: 5) has recently pointed out, globalization opens the doors to the possibility of reproducing on an international scale the institutions of the state.

But when the object of investigation of political theory extends into the international realm, the view of political theory as being tied to the state no longer holds. More than that, when security and welfare, the very concern of political theory,

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<sup>31</sup> Relinquishing sovereignty does not necessarily equate with a loss of capacity for solving national problems. For Beck, just the opposite is the case: ‘The *only* way of solving the burning issues at a *national* level is to transnationalize the activities of the state and of government’ (Beck, 2005: 174; italics in original). Accordingly, it is ‘in the “national interest” to denationalize’ (ibid: 91-92). If sovereignty is judged according to the degree to which a state is capable of augmenting the security and welfare of its citizens, Beck (2003: 265) points out elsewhere, a loss of autonomy may actually result in a gain of sovereignty. A similar argument is made by Brown (2002b: 245) when he points to the fact that ‘the various individual countries that make up the European Union are far more effective, far stronger, as a result of their membership of a body which undoubtedly involves the loss of sovereignty than they would be if they were to try to preserve their sovereignty and act in the world independently of each other’. What these statements suggest is that a state’s ability to shape events in the national interest may actually increase in the face of regionalization and globalization processes, provided that sovereignty is pooled and shared. Accordingly, Beck and Brown are much closer to the transformationalist position, holding that ‘the power of national governments is not necessarily diminished by globalization but on the contrary is being reconstituted and restructured’ (Held, 1999: 9), than to the hyperglobalist position, arguing for the demise of the nation-state *per se*.

are no longer created within the state, but rather in the sphere above the state, it is no longer possible to draw a clear line between political theory and IR.

Thus it is not only a matter of integrating national explanation factors in the analysis of international political processes, ... [but also] a matter of questioning the very separation between 'inside' and 'outside'.... National spaces have become denationalized, so that the national is no longer national, just as the international is no longer international. (Beck, 2002: 52-53)

'In a globalising world', Bottici sums up nicely, 'political philosophy can no longer ignore what happens *among* states, while International Relations has to consider what happens *within* them' (Bottici, 2009: 10; italics in original). Hence, if either political theory or IR is to have any hope of successfully addressing its agenda, they must be remarried (Brilmayer, 1989). By providing some further arguments for such synthesis, the present work seeks to contribute to the growing body of literature that is known as International Political Theory (IPT). But it is also critical of this literature, as the next section will demonstrate.

### **Self-interest vs. morality: the methodological dimension**

This section addresses the methodological dimension of my enquiry. As in the previous two sections, I define the central terms before I explore their relationship and outline the wider implications for my work.

Self-interest can be defined in terms of what people are interested in (what they desire for themselves), or in terms of what is in their interest (what is to their advantage). For Hobbes (1998: 100), saying that 'of all voluntary acts, the object is to every man his own good', there seems to be no such distinction. What people are interested in is in their interest. Rawls (1993a: 51), on the other hand, seems to distinguish between the two meanings: 'Every interest is an interest of a self', he says, 'but not every interest is in benefit to the self that has it'.<sup>32</sup> What people are interested in is not always in their interest. In chapter 2, it will be shown that Hobbes and Rawls, while adhering to different conceptions of self-interest, commonly believe that considerations of self-interest can oblige people to perform those actions that morality dictates.

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<sup>32</sup> This distinction allows Rawls to account for certain passions such as smoking and drinking that are not in benefit to the self. The fact that Hobbes does not draw that distinction is in line with his definition of man as a rational being (see chapter 2).



Moral theories can be roughly divided into a consequentialist and a deontological branch. While from the former standpoint, a moral action is one that produces a good outcome, from the latter standpoint, a moral action is one where the right comes prior to the good. Hobbes seems to be sympathetic to consequentialism (or utilitarianism), as he views the laws of nature – ‘the true and only moral philosophy’ (Hobbes, 1998: 105) – as instruments of individual and social utility. Rawls, on the other hand, is a deontologist, as he defines the principles of justice – his ‘moral principles’ (Rawls, 1973: 14) – with a view to what is right. In chapter 3, it will be shown that Hobbes and Rawls, while adhering to different conceptions of morality, hold essentially the same conception of what it requires: a sense of reciprocity or fair play.

Having sketched how self-interest and morality are commonly understood, we can now examine how they relate to each other in the international context. For realists, the issue is clear-cut: if a conflict arises between considerations of morality and the national interest, the former gives way to the latter. Does that mean that moral behaviour has no place in international relations at all? The answer depends on whether one allows a morality of self-interest to count as morality.

In *Foundations of the Metaphysics of Morals*, Kant (1959: 5) argues that for an action to be ‘morally good, it is not enough that it conform[s] to the moral law, but it must also be done for the sake of the law’. As such, the ground of morality ‘must not be sought in the nature of man or in circumstances in which he is placed, but sought a priori *solely* in the concept of pure reason’ (ibid; my emphasis). That which mingles the pure with the empirical, Kant (ibid) suggests, does not deserve the name of moral philosophy. For Kant, morality is only present when the motive for an action that conforms to the moral law is entirely unaffected by one’s self-interest (Hutchings, 1992: 53; 1999: 8). Given the realist premise that the national interest is the final arbiter in a state leader’s decision-making process, we would be led to the conclusion that moral behaviour has no place in international relations.

Yet Kant, whilst among the most influential moralists of all time, has no monopoly on the definition of morality. From ancient times (Plato and Aristotle), to the times of Kant (Joseph Butler and Francis Hutcheson), to more recent times (Thomas Hill Green and Max Weber), we find moral philosophers who have grounded morality in self-interest (Gauthier, 1970: 111; Carens, 1996: 157). Unlike Kant, these philosophers suggest that morality is also present when one has a self-interested

motive for an action that conforms to the moral law. If we consider once again the realist assumption that the national interest is the final arbiter in a state leader's decision-making process, we would then be led to the conclusion that morality has a place in international relations whenever it overlaps with the national interest. Focusing on these situations, the present work capitalizes on the fact that even within a realist framework the possibility of moral behaviour cannot be ruled out.

Everything that has been said so far about the relationship between morality and self-interest in the international realm was based on the assumption that moral behaviour, on occasions on which it clashes with the national interest, has no place in international relations. At this point we have to examine how realistic this assumption really is. On what grounds can it be claimed that the national interest always takes the upper hand?

A desire for power (Morgenthau, 1954), the international system as a 'self-help' system (Waltz, 1979) and the absence of a value consensus (Kratochwil, 1987) are among the most cited explanations. More recently, Cabrera (2004: 78-81; 2010b: 57-59) has drawn attention to three mutually reinforcing biases that militate against a more cosmopolitan outlook. The first bias, what Cabrera calls a 'foundational bias', arises from the normative foundations of the Westphalian state system, which presume that the interests of states are bound to the interests of their citizens. As an illustration of this bias, consider Bhikhu Parekh's (1997: 56) claim that

the civil authority derives its legitimacy from its citizens and its sole duty is to promote their collective interests. It has a right to do all that is necessary for that purpose, and conversely it has no right to undertake activities that compromise, damage or sacrifice their interests.

Given their stewardship role, governments are believed to have duties towards their own citizens that they do not owe to citizens of other countries. But it is not only a question of duty for state leaders to prioritize the concerns of their own constituencies. As Cabrera (2004: 80) notes:

Leaders in both democracies and more hierarchical regimes can be presumed to have an interest in staying in power, and more broadly in being able to implement their policy agendas. That interest reinforces the tendency for leaders to give more relative weight to the interests of those who determine whether they will achieve their aims.

This 'electoral bias', which focuses more on the personal incentives of state leaders not to subvert their mandates, is accompanied by a third bias, the so-called 'own-case bias'. Going back to Locke's (1980: 12) assumption 'that self-love will make men

partial to themselves and their friends’, this bias has to do with the tendency of citizen sets, being judges in their own cases, to be biased toward their own sides. It is because of these three biases that morality, beyond situations in which it conforms to the national interest, seems to be widely absent in the international sphere.

This does not mean that genuine moral behaviour is also absent in the domestic sphere. On the contrary, because ordinary citizens are accountable to hardly anyone other than themselves, there seems to be room for an ethical life. It is this dual moral standard, the distinction between the moral domestic realm and the amoral international realm, which Barry (1989b) seeks to challenge in his essay ‘Can States Be Moral? International Morality and the Compliance Problem’.<sup>33</sup>

Barry’s argument rests on the observation that orderly relations are by no means restricted to the domestic sphere: ‘Huge numbers of international transactions take place every day on the basis of norms that the parties rely on and, in fact, adhere to – some codified into international law and others developed through custom’ (ibid: 418). Yet in the next sentence he has to admit that ‘much of the compliance with these norms can be accounted for by the rational pursuit of interest’ (ibid). After all, it seems to be in a state’s interest not to be excluded from diplomatic relations and to have a reputation as a reliable trading partner. More than that, ‘states can often follow the (admittedly quite undemanding) prescriptions of positive international morality without putting their security at risk in the slightest’ (ibid: 419). However, in cases where moral demands and national interests do not coincide, states tend to opt for the latter. This becomes apparent when we turn from matters of order to those of justice.

‘When we look at economic affairs’, Barry (ibid) notes, ‘what is striking is the absence of any international system comparable to that within nations to tax those who can afford it to provide assistance to those who would otherwise be destitute’. Given that bi- and multilateral aid are highly ‘discretionary’ and, in any case, do ‘not represent a sizeable transfer’, the existing global mechanisms for redistribution are not even remotely an approximation to the ones existing at the domestic level (ibid). In fact, while developed countries dedicate on average 25% of their Gross National Product (GNP) to social programs, no more than 0.35% is allocated to development

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<sup>33</sup> Contrary to Wight’s (1966: 33) claim that domestic politics has to do with the good life, whereas international politics has to do with survival, Barry tries to show that not only the domestic, but also the international sphere is the realm of the good life. Another project, although not further addressed in this work, would be to pursue the analogy in the opposite direction: not only the international, but also the domestic sphere is the realm of survival. Clausewitz’s (1968: 119) notion of ‘war as the continuation of politics by other means’ then becomes transformed into Foucault’s (2003: 15) view of ‘politics as the continuation of war by other means’.

assistance (Noël, 1995: 533). It is common knowledge that even these very limited aid transfers are not always based on altruistic notions: in giving aid, Strange (2004: 219) emphasizes, governments often have in mind either political gains, serving their strategic and foreign policy interests, or economic bargains, serving their export industries and employment objectives.

Given this empirical evidence, Barry can hardly be said to succeed in his attempt to refute the realist assumption that the international sphere is morally distinct from the domestic sphere. While the moral norms that exist at the global level seem to be almost entirely due to a fortunate coincidence of international morality and national interests, the lack of any comparable redistribution instrument at the global level tends to be a result of the absence of exactly this coincidence. Thus, besides the theoretical reasons given above, there are also good empirical reasons to adopt the realist view that states act morally only when it is in their interest to do so.

This has profound implications for the feasibility of the domestic analogy. As indicated at outset of this chapter, analogical reasoning means reasoning from similar cases. One of the central problems one encounters in extending concepts of the domestic sphere to the international sphere, then, is the fundamental dissimilarity of the actors in terms of what guides their actions.<sup>34</sup> While political theory, a sub-discipline of moral theory (Brown, 1992: 84-85), deals with a society in which genuine moral behaviour appears to be possible, IR has a society as its subject in which such behaviour tends to be absent. Hence, moral concepts – appropriate to describe life within states – extended to the international level must fail accurately to describe relations between states. ‘[W]hereas political theory generally is in unison with political activity’, Wight (1966: 29) wrote five decades ago, ‘international theory ... sings a kind of descant over against the movement of diplomacy’. For Wight, the disharmony between international theory and diplomatic practice is a direct result of analogical reasoning: since theorizing about international politics ‘has to be done in the language of political theory’ (ibid: 33), which is the language of morality, in international theory the conviction often precedes the evidence (ibid: 27).

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<sup>34</sup> Despite this disanalogy, I maintain that the two spheres are not different enough as to justify rejecting the validity of analogical reasoning out of hand. As Koenig-Archibugi (2011a: 163) observes, ‘both international systems and domestic political systems consist of a multitude of collective actors who engage in a variety of modes of interaction – from coercion and competition to negotiation and cooperation – on the basis of complex power relations, conflicting and compatible interests, and norms of appropriate behaviour’. While I do not go as far as Wendt (1999; 2004) to suggest that ‘states are people too’, I do presume that states are *like* people in the sense that both are social actors. Insights garnered from the study of the domestic sphere might then be relevant to arguments about the international sphere (Koenig-Archibugi, 2011a: 164).

To exemplify this, we might consider a case where concepts of political theory found their way into the praxis of international relations. Here the League of Nations suggests itself. One of the League's chief designers, Woodrow Wilson, a former student of political theory, believed that the codes of morality that apply within states must also be applicable to relations among states: 'We are at the beginning of an age', Wilson said in his address to Congress on the declaration of war in 1917, 'in which it will be insisted that the same standards of conduct and of responsibility for wrong shall be observed among nations and their governments that are observed among individual citizens of civilized states' (cited in Carr, 1995: 140). It was this very assumption upon which the League of Nations was to be built. Article I of the first draft for a covenant of a League of Nations read that 'the same standards of honour and ethics shall prevail internationally and in affairs of nations as in other matters' (ibid). South African Prime Minister Jan Smuts described the final covenant as carrying 'into world affairs that outlook of a liberal democratic society which is one of the great achievements of our human advance' (ibid: 29), and Labour Party politician Richard Crossman saw the League as an attempt 'to apply the principles of Lockean liberalism to the building of a machinery of international order' (ibid). By the same token, Czech-Slovak Foreign Minister Eduard Benes, in one of the League's first assemblies, remarked that the League was 'ipso facto an attempt to introduce into international relationships the principles and methods employed ... in the mutual relations of private individuals' (ibid: 141).

Yet it was not long before the gap between purpose and reality became evident. The League of Nations was neither able to avert Italy's invasion of Abyssinia, nor did it stop Japan from expanding into China. When it finally proved incapable of preventing Germany from initiating the deadliest war of all time, its fate was ultimately sealed. For contemporary witnesses like Hans Morgenthau and Carr, the main reason for the League's failure was its endeavour to force the world as it is into the mould of what it ought to be. Its attempt to compel states to conform to the standards of private morality, Morgenthau claimed, would only help to bring about the aggressive behaviour the League was expected to prevent (cited in Ned Lebow, 2003: 237). Similarly, Carr (1945: 45) concluded that the commitments imposed by the League 'could be justified in terms of pure reason but not translated into terms of concrete policy, so that the whole structure remained abstract and unreal'. Today, more pragmatic liberals such as Robert Keohane (1984: 257) keep reminding us that

‘[a]bstract plans for morally worthy international regimes, which do not take into account the reality of self-interest, are like castles constructed in the air’, and realists like Gilpin (1986: 304) are still tirelessly repeating that ‘[a]ll moral schemes will come to naught if this basic reality is forgotten’, to the effect that even some cosmopolitan thinkers such as Richard Beardsworth (2011: 14) believe ‘idealistic constructions that are immediately undone by realities on the ground’ to be ‘counter-effective to the cause of cosmopolitanism’.

What the example of the League of Nations shows is that we cannot picture relations among states in an adequate manner simply by deriving our categories from the moral standards appropriate to picturing relations among individuals. Expecting state leaders to act upon these standards not only distorts the reality of international relations; it can even be harmful as the above-mentioned events demonstrate. Analogical reasoning, it seems, can only produce valuable insights when it builds on political theories that do not require its actors to be guided by other-regarding motives.<sup>35</sup> Hence, we must look for theories whose reasoning is based on the self-interest of the actors; otherwise we risk constructing abstract moral systems that states are incapable of following.

It is here that the difference between the approach of this work and normative approaches to international relations, sometimes referred to as International Political Theory, becomes evident: while both have an explicit interest in the international side of political theory, this work starts from the premise that relations among states are morally distinct from relations among individuals.<sup>36</sup> In contrast to normative international relations theorists, who have all too often tried to move from the ‘ought’ to the ‘is’, only to realize that there is a substantial gap between the two, I move from the ‘is’ to the ‘ought’, going as far as national interests allow.<sup>37</sup> Here I am in company

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<sup>35</sup> In his book, *The Law of Peoples*, Rawls (1999a) goes the other possible way: recognizing that states, unlike individuals, are almost exclusively guided by their interests, Rawls (ibid: 27) tries to sidestep the problem of the dissimilarity of the actors by introducing the concept of ‘liberal peoples’ who ‘are not moved solely by their prudent or rational pursuit interests, the so-called reasons of state’. Rawls’s preference for peoples, Bottici (2009: 90) explains, ‘derives from the fact that they can be conceived, by analogy with individuals, as having a moral nature’. As noted at the outset, I am not interested in constructing a ‘realistic utopia’, which is why I will not pursue things in that direction.

<sup>36</sup> As such, the present work, while challenging the division between political theory and IR, does not so much challenge the domestic/international distinction itself. To put it bluntly, it questions International Relations, the academic discipline, rather than international relations, the world as it is.

<sup>37</sup> This, of course, is not to deny the central value of normative approaches to international relations. IPT has proven extremely valuable in shifting the focus to issues that have been widely neglected in IR. The downside of these approaches, though, is that they often rest on idealistic premises that have little bearing on the reality of international relations (Eckersley, 2008). In fact, many normative theorists have been quite explicit that they do not attempt to provide ‘applied’ or ‘practical’ ethics (ibid). For Hutchings (1999: 183), though, ‘the validity of normative judgements of international politics relies

with ‘progressive realists’ (Scheuerman, 2011), such as Carr, and ‘cosmopolitan realists’ (Beck, 2006a), such as Beardsworth, who claim that under conditions of technological and economic interdependence we witness a rethinking of national interest that allows for the extension of certain domestic institutions to the international level. Accordingly, political principle is not imposed upon international reality (a prescriptive ‘ought’ upon a recalcitrant ‘is’), but ‘the emerging reality of interdependence calls forth the (re-)invention of national, transnational, and ultimately, supranational political principle’ (Beardsworth, 2011: 78).

My point of departure, then, is quite similar to the one taken by realists in that it begins with self-interested actors and considers what agreements they are prepared to make with one another. Following Carr’s (1995: 84) argument that sound political analysis incorporates elements of both realism and utopia, the present work attempts to combine the analytical rigour of realism with the purpose of normative international relations theory. Such a progressive or cosmopolitan realism that is committed to both the explanatory and the normative, of course, ‘can only be minimal, since it must remain compatible with (a nevertheless expanding) national interest’ (Beardsworth, 2011: 11). Yet in a world in which genuine moral behaviour remains the exception, ‘a detailed exposition ... of the possibility of coordination on global governance issues from a cosmopolitan realist perspective’ is of ‘particular import’ (ibid: 237). This work tries to provide such an exposition through its analysis of the possibility of extending Hobbes’s idea of a common authority and Rawls’s notion of a redistribution scheme to the international level.

### **Hobbes vs. Rawls: bringing it all together**

Earlier, it has been suggested that arguments against the possibility of applying political theories of order and justice to the international level are based around a set of dichotomies: order versus justice, political theory versus IR, self-interest versus morality. The last three sections have given a first indication that none of these pairs are as antagonistic as critics would have us believe. In the main body of this work, I will take up and expand on this point. But for now I want to consider two philosophers

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ultimately on the identification of others with the conditions of possibility of the normative position in question. Where there is no such identification, the carrying through of that prescription in practice can only be a matter of coercion. This is why it is of primary importance that normative theorists should focus on the ethical potential of the world as it is’.

who, like these binaries, have all too often been portrayed in antagonistic terms: Hobbes and Rawls.<sup>38</sup>

While Rawls, a self-proclaimed follower of Kant, is generally said to argue from an explicit normative position, Hobbes, the first scholar to translate Thucydides, is often held to be an archetypal realist.<sup>39</sup> This must be the reason why there is hardly any work that brings the two philosophers into discussion. Rosamond Rhodes (2002: 1), in her article ‘Reading Rawls and Hearing Hobbes’, draws attention to a *New York Times* book review of Rawls’s *Political Liberalism* in which the author, John Gray, tries to establish a link between Rawls and Hobbes, but to her knowledge nothing more has been written on the subject. While Joseph Grcic’s (2007) article, ‘Hobbes and Rawls on Political Power’, should not go unmentioned, my own review of the literature has shown that, apart from these three papers, no article, and certainly no monograph, has been published that puts Hobbes and Rawls into comparative perspective.<sup>40</sup> As Grcic (ibid: 379) notes, the differences between their philosophies seem to be too obvious to justify a comparison. What, then, are these obvious differences?

To begin with, Hobbes adheres to a concept of order that is fundamentally at odds with that of Rawls. Not least because of the different times in which they were writing, Hobbes advocates an unlimited sovereign, whereas Rawls is committed to a liberal democratic system where power is effectively balanced. Hobbes’s view of government as having absolute power over its subjects stands in stark contrast to Rawls’s vision of government as the body that maximizes individual liberties. A further dissimilarity concerns their different understandings of formal justice. This difference, as I will argue below, has less to do with what justice requires than with the conditions under which it matters. While for Hobbes, justice comes into play only after

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<sup>38</sup> This study is primarily concerned with their main works, namely Hobbes’s *Leviathan* and Rawls’s *A Theory of Justice*. While this is relatively unproblematic with regard to Hobbes, in the case of Rawls it is not without difficulty: although there are many constants in Rawls’s thought, there are also some substantial differences between his early and late writings. I will try to accommodate these by making explicit when I am borrowing from a text other than *A Theory of Justice* whenever it seems appropriate.

<sup>39</sup> Kraus (2002: 30-31), for example, places Rawls and Hobbes on opposite ends of a continuum ranging from theories that are highly idealized and thus highly normatively precommitted to those that are minimally idealized and thus minimally normatively precommitted.

<sup>40</sup> There are, needless to say, several volumes on political theory, and social contract theory in particular, that feature essays on Hobbes and Rawls, among many other thinkers. Most of these volumes have a brief introductory chapter that tries to put these thinkers into conversation. See, for example, Boucher and Kelly (1994), Levine (2002) and Button (2008).



the institution of the social contract,<sup>41</sup> for Rawls, questions of justice arise whenever the circumstances of justice obtain.<sup>42</sup> A third area of disagreement has to do with the nature of social cooperation. Without anticipating too much of the later discussion, it can be said that Hobbes holds a negative conception of cooperation in that each person gains from the reciprocal renunciation of his or her right of nature, whereas Rawls embraces a positive conception of cooperation in that the gains stem from an economic surplus acquired by collaboration. Here again, the difference is in the detail rather than in the ultimate consequence, which is that social cooperation leads to mutually beneficial outcomes, be it ‘in a directly Hobbesian or anonymously Rawlsian form’ (Sen, 2009: 206).

Although Hobbes and Rawls differ in central aspects of their philosophies, it is possible to make out a number of striking similarities between them. Unfortunately, most of the resemblances identified in the literature are either very general (and thus liable to being simplistic), or extremely specific (and thus liable to being pointless).<sup>43</sup> One of the more interesting claims made by Rhodes (2002: 395) is that although ‘Rawls is noted for his focus on justice and Hobbes is noted for his attention to order, in fact, they each have a dual agenda and recognize that one end cannot be achieved without the other’. To make good this claim, Rhodes (ibid: 394-395) cites a passage from *Leviathan*, where Hobbes suggests that justice is one end for which the state is instituted, and refers to *Political Liberalism*, where Rawls comes to appreciate the importance of stability for a just society. Both philosophers, it seems, adhere to a purposive conception of order that views justice as an ultimate goal. It remains true, though, that Hobbes is primarily concerned with order, while Rawls’s interest lies with justice. When Hobbes speaks of justice, he tends to do so in the context of securing order, and when Rawls speaks of a ‘well-ordered society’, he means a society that is regulated by a public conception of justice.

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<sup>41</sup> In the next chapter, I will argue that, given Hobbes’s reply to the fool and his characterization of human psychology, the claim that justice is only present where there is sovereign enforcement is too radical a conclusion.

<sup>42</sup> The circumstances of justice, without which ‘there would be no occasion for the virtue of justice’, obtain ‘whenever mutually disinterested persons put forward conflicting claims to the division of social advantages under conditions of moderate scarcity’ (Rawls, 1973: 128).

<sup>43</sup> Regarding the former, consider Grcic’s (2007: 379) finding that both Hobbes and Rawls make use of the concept of the state of nature, or Rhodes’s (2002: 397-402) discovery that in both cases the state of nature is a hypothetical construct. With regard to the latter, consider Rhodes’s (ibid: 403) argument that Rawls’s ‘spirit of compromise’ and ‘readiness to meet others halfway’ resemble Hobbes’s sixth law of nature, stating ‘that upon caution of the Future time, a man ought to pardon the offenses past of them that repenting, desire it’, and the spirit of his seventh law, prescribing ‘that in Revenges, Men look not at the greatness of the evill past, but the greatnesse of the good to follow’.

The argument that I am most interested in is that ‘both Hobbes and Rawls take their project to be the creation of a just and stable society *in the face of general egoism*’ (ibid: 394; my emphasis). As Rhodes (ibid: 395-396) explains, ‘neither Hobbes nor Rawls believes that reasonable people are moved by a conception of the general good, but so that each may benefit’. Building on this insight, the present work demonstrates that Hobbes and Rawls do in fact attach great importance to people’s self-interest, but it goes further to show that both thinkers are worried about the compliance problem – the problem that while it is beneficial to cooperate, it might not be in one’s best interest to keep the cooperative agreement – and that both thinkers introduce external solutions to overcome this problem. Yet their starting points do not allow these solutions to come into force, as a result of which Hobbes and Rawls turn to internal solutions. This, in effect, drives them towards the same concept of formal justice – justice as reciprocity – which for both philosophers not only entails an obligation to reciprocate where one has made an agreement, but also where one accepts the benefits of others’ actions.

Having established reciprocity as the fundamental link between their philosophies, the study goes on to consider how Hobbes and Rawls thought about international relations. Here again, some stunning parallels can be found. In a first approximation, what stands out is that Hobbes and Rawls had surprisingly little to say about the international realm. While in *Leviathan* one finds only a handful of phrases that indicate how Hobbes conceived of international relations, Rawls, in his main work, *A Theory of Justice*, devotes not more than two pages to the problem of international justice.<sup>44</sup> What is evident from these few passages, though, is that both philosophers apply to international relations the very same concepts they use to theorize order and justice among individuals. However, they reject the (full) application of the social contract to the international level, and do so on essentially the same ground. It is these similarities that justify – maybe even require – a comparative study of Hobbes and Rawls.

But why, one might still ask, look at the problems of international order and international justice through the lenses of Hobbes and Rawls? As noted at the outset, the underlying question of this work is whether political theories of order and justice can be applied to the international level. More precisely, the question is whether *a*

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<sup>44</sup> It was only in 1993, two decades after the publication of *A Theory of Justice*, that Rawls (1993b) – not least because of the pressure of his followers – gave himself over to the problem of justice in international relations.

political theory of order and *a* political theory of justice can be applied to the international level, for surveying all political theories of order and justice would go far beyond the aim and scope of this study. We thus have to make a commitment to a theory of order and a theory of justice.

Given the variety of ideas of what order and justice require, it is advisable (1) to pick theories of order and justice that can claim the loyalties of as many people as possible. While it is no absolute requirement, it is useful (2) to consider political theorists who have given thought to the implications of their theories for international relations. They may not have framed their theories with this purpose in mind, but should have given some indications of how they imagine their theories to translate into the international context. Presumably the greatest difficulty one encounters in extending theories from the domestic to the international realm is the fundamental dissimilarity of the actors of the two realms with regard to their moral capacity. Accepting the realist premise that only the national interest can provide a sufficiently strong incentive for action required by morality, (3) we should employ only those theories whose reasoning is based on the self-interest of the actors.

The theories provided by Hobbes and Rawls seem to meet these three criteria. While Hobbes's concept of order may not be very popular with anyone save the institutional cosmopolitan, it is modelled on the state, which is essential for the purpose of this study. Rawls's theory of justice has even some claim to reconcile the various concepts of what justice requires. Moreover, both philosophers consider their political theories in light of international relations. While Hobbes does not go beyond a few passages, Rawls eventually devotes an entire book to the international implications of his theory. Finally, both thinkers derive moral conclusions from non-moral premises. Individuals in the initial situation arrive at Hobbes's desired state of order and Rawls's favoured conception of justice by consulting only their self-interest. It is these three qualities that make their political theories suitable for extension to the international level.

The research question of this work then becomes whether Hobbes's theory of order and Rawls's theory of justice can be usefully applied to the international level. I will argue that because of the similarities that exist between the domestic realm and the regional realm, Hobbes and Rawls can give us insight into the political and economic integration of Europe, but that because of the differences that exist between the

domestic realm and the global realm, it is highly unlikely that their theories can be applied to a higher level. In making this argument, the work proceeds in three parts.

Part I is concerned with the domestic sphere. Chapter 2 determines the role self-interest plays in the political theories of Hobbes and Rawls. This chapter argues that self-interest is a prerequisite for both the derivation and implementation of Hobbes's and Rawls's moral principles. This chapter also demonstrates that considerations of one's long-term self-interest can help to solve the compliance problem inherent in the theories of the two thinkers. Chapter 3 tries to situate Hobbes and Rawls within Barry's three traditions of formal justice. I show that the two philosophers adhere to one and the same tradition, justice as reciprocity, which lies between justice as mutual advantage and justice as impartiality. I then further distinguish between justice as self-interested reciprocity and justice as fair reciprocity, and illustrate that the two concepts are likely to connect with the motivations of ordinary people.

Part II looks at the intersection of the domestic and the international sphere. Chapter 4 considers how Hobbes and Rawls believe their political theories to translate into the international context. At first, I review the arguments that have been advanced by Hobbes and his disciples to dismiss an international version of the Leviathan. Subsequently, I examine the assumptions on grounds of which Rawls and his followers reject an international version of the difference principle. Chapter 5 attempts to locate Hobbes and Rawls within Wight's three traditions of international theory. This chapter demonstrates that Hobbes shares some central assumptions with realism, whereas Rawls makes some fundamental concessions to rationalism. While elements of the domestic analogy can be found within all three traditions, I conclude that ultimately the analogy remains incomplete.

Part III deals with the international sphere. Chapter 6 shows that the assumptions on the basis of which Hobbes and Rawls reject the (full) application of the social contract to the international level did not, or do not any longer, hold true at the European level. I suggest that some of the institutions and instruments that emerged in Europe after the Second World War came about in a similar way as those outlined in Hobbes's and Rawls's political theories. More specifically, this chapter argues that the High Authority was a result of the same security-political considerations that give rise to Hobbes's common authority, and that the Cohesion Fund was a product of the same socio-economic considerations that give rise to

Rawls's redistribution scheme. Chapter 7 shifts the focus from the regional to the global level and asks whether considerations of these two kinds can also lead to greater cooperation beyond the confines of Europe. At first, I investigate whether international relations, as a result of the nuclear revolution, are approaching the conditions that Hobbes thought to be necessary for a common authority to materialize. Subsequently, I examine whether relations among states, owing to the fast-growing interconnectedness of global economic processes, are coming to resemble relations among individuals in those features that Rawls regarded as necessary to justify material redistribution. With this not being the case, I explore whether the 'age of terror' is able to achieve what in a nuclear and global age seems an unlikely prospect. I argue that the differences that exist between the domestic realm and the global realm make it highly unlikely that a common authority and a redistribution scheme of Hobbes's and Rawls's imagining will be developed at the global level.

The general structure of the main body of this work can be subsumed as follows: part I engages with issues related to the domestic sphere, part III is dedicated to addressing cases related to the international sphere and part II attempts to bridge the two spheres. While chapters 2, 4 and 6 are concerned with specific problems, chapters 3, 5 and 7 put these problems into perspective by looking at the bigger picture. In terms of the three dichotomies outlined in this introductory chapter, self-interest versus morality is the underlying theme of part I, political theory versus IR is a central topic of part II, and order versus justice is a subject that runs through part III. In the concluding chapter, I summarize the main findings and sketch the broader implications of my study.

## **PART I: The Domestic Sphere**

## 2. The Role of Self-Interest in the Political Theories of Hobbes and Rawls

In his recent book on contractarianism, J. S. Kraus (2002) argues that social contract theories can be versions of either political or moral contractarianism. While the political contractarian seeks to demonstrate ‘the rationality of political institutions’ (ibid: 19), the goal of the moral contractarian is to provide ‘a rational reconstruction of moral principles’ (ibid: 18). This chapter looks at the pioneer of political contractarianism, Hobbes, and the leading exponent of moral contractarianism, Rawls. Considering that Hobbes’s political institution enforces moral principles,<sup>45</sup> and that the primary subject of Rawls’s moral principles are the basic institutions of society,<sup>46</sup> the distinction between political and moral contractarianism becomes easily blurred. Thus, we better say that Hobbesian and Rawlsian contractarianism aims to demonstrate the rationality of certain institutions that promote certain moral principles.

The term ‘rationality’ already indicates that the notion of self-interest figures prominently in the thought of the two philosophers.<sup>47</sup> In fact, while Hobbes, in Rawls’s (1987: 2) judgement, ‘sees self- (family-) and group-interests as the only available, or the only politically relevant, kind of motivation’, Rawls (1973: 16) terms his own theory ‘a part, perhaps the most significant part, of the theory of rational choice’. Is Rawls right in this appraisal? What role does self-interest play in the political theories of Hobbes and Rawls? Is it a necessary condition for the derivation and implementation of their respective moral principles? And if so, is it also a sufficient condition? These are the questions to be addressed in this chapter.

### **Self-interest as a necessary condition?**

Is self-interest required for the derivation and implementation of Hobbes’s moral principles, the laws of nature? This is a tempting conclusion as it was no less a person

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<sup>45</sup> Hobbes (1998) calls his moral principles ‘the laws of nature’. They ‘are good; that is to say; *moral virtues*’ (ibid: 106; italics in original). To have legal force, the laws of nature must be enforced by a political institution, the name of which is Leviathan. For an account of Hobbes’s first, second, third and fourth law of nature, see the next chapter.

<sup>46</sup> Rawls (1973) calls his moral principles ‘the principles of justice’. They are chosen in a contract situation, the aim of which is not ‘to adopt a given form of government, but to accept certain *moral principles*’ (ibid: 14; my emphasis). The principles of justice apply to ‘the basic institutions of society’ (ibid: 4), which are ‘the political constitution and the principle economic and social arrangements’ (ibid: 7). For Rawls’s final statement of the two principles of justice, see the previous chapter.

<sup>47</sup> As will be shown below, Hobbes’s definition of the term somewhat differs from that of Rawls and Kraus, who tend to understand rationality in terms of rational choice. Rational choice theory characterizes rationality as ‘smart maximization of self-interest’ (Sen, 2009: 179).

than Hobbes himself who made popular the concept of the social contract. The attraction of contractarianism, as indicated above, lies in the fact that moral principles are based on that to which we can rationally agree. In order to determine whether Hobbes succeeds in reconciling his moral principles with self-interest, we need an idea of what enables Hobbesian individuals to overcome the state of nature.

According to Hobbes (1998: 86), the possibility to leave behind the state of nature, which is a state of war, consists ‘partly in the passions, partly in his [man’s] reason’. Reason, Hobbes explains, ‘suggesteth convenient articles of peace, upon which men may be drawn to agreement’ (ibid). The only straightforward definition of reason in *Leviathan* is given in chapter five where Hobbes defines it as the ‘reckoning (that is, adding and subtracting) of the consequences of general names agreed upon’ (ibid: 28; italics in original).<sup>48</sup> Note that a rational being, in making ends-means calculations, does nothing else than reckoning the consequences of its actions. As Norberto Bobbio (1993: 44) points out: ‘To say that human beings are endowed with reason is for Hobbes the same as to say that they are capable of rational calculations. This is another way of saying that human beings can discover which means are the most adequate to attain desired ends’. Thus, what Hobbes (1998: 86) means when he says that convenient articles of peace, ‘which otherwise are called the Laws of Nature’, are discovered by reason is that people, driven by their fear of violent death, are capable of identifying the laws of nature as the most adequate means to attain their desired end of self-preservation.<sup>49</sup> Accordingly, one has to agree with Gregory Kavka (1986: 309) that ‘the laws of nature are grounded in self-interest’.

While reason, by suggesting convenient articles of peace, shows people how to get out of the miserable condition of war, it is the passions that actually motivate them

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<sup>48</sup> Having demonstrated the absurdity of making scientific claims without taking into consideration ‘what went before’, Hobbes (1998: 31) concludes that by ‘this it appears that reason is not as sense, and memory, born with us; nor gotten by experience only, as prudence is; but attained by industry’. Because in the state of nature ‘there is no place for industry’ (ibid: 84), we must assume that there is also no place for reason. But this is inconsistent with the above-mentioned statement that it is partly because of his or her reason that a person comes out of the state of nature. Reason, it seems, must be attainable by means other than industry. Given the constructive role Hobbes ascribes to a person’s fear of violent death, we might conjecture with Williams (2006: 272) that it is by means of his or her endeavour to avoid violent death that a person attains reason, or at least reason enough as to allow him or her to suggest convenient articles of peace.

<sup>49</sup> Note that Hobbes, unlike the Aristotelian tradition, adheres to a subjectivist conception of good and evil: ‘Whatsoever is the object of any man’s appetite or desire; that is it, which he for his part calleth *good*: and the object of his hate, and aversion, *evil*’ (Hobbes, 1998: 35; italics in original). While according to Aristotle (1941), we desire what is good and we hate what is evil, for Hobbes, good is what we desire and evil is what we hate. It is only because of his belief that every single person hates death that Hobbes (2003: 6) can say that ‘each man strives to avoid violent death as the supreme evil in nature’ and that we have reason to assume that each person desires self-preservation as the supreme good in nature.



to do it. ‘The passions that incline men to peace’, Hobbes (1998: 86) specifies, ‘are fear of death; desire as such things that are necessary to commodious living; and a hope by their industry to obtain them’. What leads individuals to observe the articles of peace, then, is nothing less than a concern with their self-preservation and well-being.<sup>50</sup> We must therefore conclude with Jean Hampton (1995: 32) that ‘self-interest is all that can yield obedience to the laws of nature’.

This, after all, follows from the very nature of the social contract, which ‘is a voluntary act: and of the voluntary acts of every man, the object is some *good to himself*’ (Hobbes, 1998: 88; italics in original). Accordingly, the ‘final cause, end, or design of men, (who naturally love liberty, and dominion over others,) in the introduction of that restraint upon themselves, (in which we see them live in commonwealths,) is the foresight of their own preservation, and of a more contented life thereby’ (ibid: 111). Other-interested desires, Hampton (1995: 22) notes, play no role whatsoever in Hobbes’s justification for the formation of the state. But it not only looks as if there *is* no place for other-interested desires, but also as if there *can* be no place for other-interested desires. Talking about the transfer of right, the end of which is security, Hobbes (1998: 89) claims that ‘if a man by words, or other signs, seem[s] to despoil himself of the end, for which those signs were intended; he is not to be understood as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted’. Every sign that tends to dispossess a person of his or her security, Hobbes is effectively saying, has to be regarded not as an expression of his or her other-interested desires, but merely as a misinterpretation; an error occurring in the pursuit of his or her self-interest.

To sum up, the two powers that enable people to overcome the state of nature – reason and passion – are rooted in people’s fear of violent death. While it is through reason that the laws of nature are derived, it is through people’s passions that they are implemented. Hence, self-interest, based on the desire to survive, is a necessary condition for both the derivation and the implementation of Hobbes’s moral principles, the laws of nature.<sup>51</sup>

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<sup>50</sup> Note that the laws of nature are conditional rather than categorical in the sense that it is not in our interest to bind ourselves to these laws unless others are similarly bound. For a discussion of this proviso, see sections two and four.

<sup>51</sup> This view is widely shared among contemporary Hobbes scholars. See, for example, Gauthier (1969), Kavka (1986), Hampton (1995), Malcolm (2002) and Newey (2008), among many others. For a contrary reading of Hobbes, see Warrender (1957), who argues that Hobbes’s proposition to obey the laws of nature is more like a Kantian categorical imperative with no necessary relation to self-interest.

Is self-interest also required for the derivation and implementation of Rawls's moral principles, the principles of justice? This stands to reason, as Rawls (1973: 11) sees himself in the tradition of social contract theorists: 'My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant'. In this context, it is interesting to note that Rawls hardly ever mentions Hobbes when referring to social contract theorists.<sup>52</sup> 'For all of its greatness', Rawls (ibid) writes, 'Hobbes's Leviathan raises special problems'. One of these problems becomes apparent when we consider the brief passage in 'The Idea of an Overlapping Consensus' where Rawls (1987: 2) actually touches on Hobbes:

The basis of his [Hobbes's] appeal was self-interest: men's fear of death and their desire for the means of commodious life.... How far Hobbes's perception of the situation was accurate we need not consider, for in our case matters are different. We are the beneficiaries of three centuries of democratic thought and developing constitutional practice; and we can presume not only some public understanding of, but also some allegiance to, democratic ideals and values as realized in existing political institutions. This opens the way to elaborate the idea of an overlapping consensus on a political conception of justice: such a consensus, as we shall see, is moral both in its object and grounds, and so is distinct from a consensus, inevitably fragile, founded solely on self- or group-interest, even when ordered by a well-framed constitution.

What Rawls seems to be arguing here is that in the face of our present ideals and values, Hobbes's account, with its exclusive appeal to self-interest, is no longer relevant to us. But this raises questions about Rawls's set-up of the original position. For if individuals already possess the capacity to appreciate and act upon some shared ideals and values, and if these shared ideals and values allow for a moral consensus, why does Rawls entertain the idea of a veil of ignorance behind which self-interested parties decide over the principles of justice?<sup>53</sup> When individuals are capable of finding a reasonable basis of agreement, Barry (1989a: 332) confirms, the veil of ignorance is

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In reaching this view, Warrender was influenced by an article by Taylor (1965 [1938]), in which the author argues that Hobbes is a proto-Kantian with a strict deontology.

<sup>52</sup> However, he frequently makes use of Hobbes's terminology. Hobbes's (1998: 105) phrase that the laws of nature oblige '*in foro interno*' is echoed by Rawls's (1993a: 54) claim that the reasonable binds '*in foro interno*', and Hobbes's (1998: 111) saying that 'covenants, without the sword, are but words, and of no strength to secure a man at all' is reflected by Rawls's (1973: 347) statement that without 'mutual confidence nothing is accomplished by uttering words'. What is more, Rawls's (ibid: 126-127) account of the circumstances of justice, an idea that goes back to Kant and Hume, borrows quite extensively from Hobbes's (1998: 82) characterization of the natural condition of mankind.

<sup>53</sup> As said above, this study is primarily concerned with *A Theory of Justice*. The original position figures less prominently in Rawls's later writings where he, eager to arrive at the principles of justice without appealing to a comprehensive conception of the good, develops the idea of an overlapping consensus. Nevertheless, even in his latest statement on justice, *Justice as Fairness: A Restatement*, Rawls (2001: 80-134) devotes an entire part of his book to the argument from the original position.

no longer essential as a condition of agreement between people with divergent interests.<sup>54</sup> He therefore suggests that Rawls would be better off abandoning his veil of ignorance and instead deriving his principles of justice directly from the moral sentiments of the parties.<sup>55</sup>

But that is not Rawls's intent, as he is too concerned with the practicality of his theory. 'Conceptions of justice', Rawls (1973: 454) says, 'must be justified by the conditions of our life as we know it or not at all'. Although Rawls never spells out what exactly these conditions are, he writes that 'the theory of justice assumes a definite limit on the strength of social and altruistic motivation. It supposes that individuals and groups put forward competing claims, and while they are willing to act justly, they are not prepared to abandon their interests' (ibid: 281). Thus, even though Rawls makes clear on several occasions that the original position, which 'corresponds to the state of nature in the traditional theory of the social contract' (ibid: 12), is a hypothetical construct with no necessary connection to reality (ibid: 12, 16, 120), it is set up to incorporate 'generally' (ibid: 20) and 'widely shared' (ibid: 129) inclinations. They are generally and widely shared because self-interested inclinations are believed to be ubiquitous in the real world.<sup>56</sup> Seeing the dangers of abstracting too much from the human condition, Rawls, in his account of the derivation of the principles of justice, cannot waive self-interest altogether (Sandel, 1998: 120).

Although the principles of justice are derived by rational agents in the original position, the ultimate test of their correctness is whether they accord with our considered convictions (Rawls, 1973: 20). It is only after careful reflection, after 'going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgements and conforming them to principle', that we arrive at the content of the principles of justice under 'reflective equilibrium' (ibid). This way of proceeding shows that Rawls is well aware of the fact that for his principles of justice to be implemented they need to hook onto people's actual motivational capacities (Miller, 2003: 53).

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<sup>54</sup> Unlike Hobbes, Rawls (2001: 82) views the reasonable 'as a basic intuitive moral idea'. For a discussion of Rawls's understanding of the reasonable, see chapter 3.

<sup>55</sup> This approach, which he terms 'soft constructivism', is the one that Barry (1989a: 350) favours. In contrast to 'hard constructivists', who assume that the parties in the original position must be moved by self-interest, 'soft constructivists' impute to the parties in the original position a capacity and preparedness to be moved by moral considerations. For a more elaborated version of this approach, see Barry's (2002) *Justice as Impartiality*.

<sup>56</sup> Even if we do not go all the way along with Alford (1991: 140-141), who suggests that Rawls's abstract account of the original position acts as a 'literary disguise', a way of saying some rather frightening things about human nature without appearing to do so, we can see that there is a certain connection between Rawls's original position and considerations taken from the real world.

This comes out even more clearly in part three of *A Theory of Justice*, where Rawls (1973: 395-587) attempts to demonstrate that the principles of justice accord with our good. What emerges from this part is the central role that self-interest plays in the implementation of Rawls's moral principles, for if it was possible to act upon the principles of justice independent from any self-interested motives, Rawls would probably not have devoted an entire part of his book to the argument that it is in our self-interest to act in a just manner. As Catherine Audard (2007: 193) notes: 'The conception of the good of justice implies that the main motivation for the allegiance to the principles is not justice itself, but interest', because 'if possessing a sense of justice is motivational, there is no need for that kind of reasoning'. She concludes that for Rawls a sense of justice is not sufficient in itself to bring about and sustain a well-ordered society. What is needed is a sense of 'our own good for us to go on acting consistently in accordance with its principles' (ibid). Self-interest, then, is not only essential for the derivation of Rawls's principles of justice; it is also necessary for the implementation of these principles.

### **Self-interest as a sufficient condition?**

Thus far it has been shown that self-interest is required for both the derivation and the implementation of Hobbes's and Rawls's moral principles. As this study, inquiring into the prospects of Hobbesian order and Rawlsian justice on an international scale, is not so much concerned with the derivation but with the implementation of these principles, the remainder of this chapter explores whether self-interest, while a necessary condition, can also be a sufficient condition for the implementation of Hobbes's laws of nature and Rawls's principles of justice.<sup>57</sup> On a more basic level, I ask whether self-interest is sufficient for compliance with the mutually beneficial agreements on which both philosophers' moral principles ultimately rest. Before I can turn to this question, it has to be established what it is that makes these agreements mutually beneficial.

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<sup>57</sup> It is important to note that Rawls develops his argument for the principles of justice from three different points of view, namely 'that of the parties in the original position, that of citizens in a well-ordered society, and finally, that of ourselves' (Rawls, 1993a: 28). Since the original position – in contrast to Hobbes's state of nature – is merely designed to derive (and justify) certain moral principles, and since a well-ordered society prescribes an ideal society in which these principles are already implemented, I will turn to the third point of view for the question of how the principles of justice can be implemented. As such, I will mostly be concerned with what Rawls (1973: 245-246) calls 'nonideal theory'.

Given scarcity, Hobbes (1998: 83) believes people in the state of nature to stand in continuous competition with one another for the goods they need for their material well-being. Competition is one of the three principle causes of quarrel for Hobbes: '[I]f any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end ... endeavour to destroy, or subdue one another' (ibid). The only way to overcome this state of war is for people to agree to transfer their right of nature to a common authority that, in turn, provides for their security. As David Gauthier (1986: 115) notes: 'We are aware of each other as competitors, and so we come to co-operate in order to avoid mutually destructive conflict, but we are less aware of each other as potential sources of mutual benefit'.<sup>58</sup>

It is the latter awareness that is central to Rawls's account. Contrary to Hobbes's view of given resources, Rawls recognizes the potential of people to increase resources through cooperation.<sup>59</sup> Cooperation, Rawls (2001: 61) says, is always productive. Hence, there is an 'identity of interests' in that 'cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts' (Rawls, 1973: 4). It is true that there also arises a 'conflict of interests' over the gains of cooperation, for each individual prefers 'a larger to a lesser share' (ibid), but the reason for Rawlsian individuals to cooperate is not that they view each other as sources of their privation, as in Hobbes, but that they recognize each other as sources of their good.

The premises from which Hobbes and Rawls start could hardly be any more different: while Hobbes stresses the negative aspects of human interaction, Rawls puts emphasis on its positive role. Yet the conclusion the two philosophers draw from this is essentially the same: social cooperation is of utmost importance to humanity.<sup>60</sup> Does that mean that everyone will cooperate?

Here it is crucial to distinguish between a contract and a covenant. A contract, Hobbes (1998: 89) defines as 'the mutual transferring of right'. However, when one of the parties delivers 'the thing contracted for on his part, and leave[s] the other to

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<sup>58</sup> It is only in the passage leading to his famous assertion that life in the state of nature is solitary, poor, nasty, brutish and short, that Hobbes (1998: 84) indicates that people also recognize each other as sources of greater richness. There he writes that what renders the natural condition so awful, amongst other things, is the absence of industry, culture and arts, suggesting that people are aware of the constructive role of their fellows. For most of the time, though, they perceive others as a limit to their freedom. 'Liberty', Hobbes (ibid: 86) says, is 'the absence of external impediments'.

<sup>59</sup> This being said, there is a certain limit to how many resources can be generated. This is because the circumstances of justice posit moderate scarcity. 'While mutually advantageous arrangements are feasible', Rawls (1973: 127) writes, 'the benefits they yield fall short of the demands men put forward'.

<sup>60</sup> Without cooperation, Rawls (1973: 15) says, no one can have a satisfactory life. Similarly, for Hobbes (1998: 67), there is no other way by which a person can secure his or her life than by cooperation.

perform his part at some determinate time after, and in the meantime be trusted; ... then the contract on his part is called ... covenant' (ibid). Now, if it was possible to make an all-embracing contract – an agreement to deliver the thing contracted for at the same time – problems of compliance could hardly arise. For Hobbes, though, agreements in the state of nature do not only assume the form of a contract but also that of a covenant – an agreement to perform successively. But then the laws of nature may oblige only '*in foro interno*', that is, we wish to obey them, but not '*in foro externo*', that is, we do not need to obey them in practice (ibid: 105; italics in original). 'For he that performeth first', Hobbes (ibid: 91) explains, 'has no assurance the other will perform after'. Rather, he makes 'himself a prey to others, and procedure[s] his own certain ruin, contrary to the ground of all laws of nature, which tend to nature's preservation' (ibid: 105). Hobbes follows that it cannot be in the best interest of people to observe the laws of nature unless they have sufficient security that others will observe them too (ibid). Self-interest does not automatically lead to compliance with a mutually beneficial agreement. It is a necessary, but not a sufficient condition.

A similar problem is present in Rawls's (1993a: 147-148) discussion of a modus vivendi among states.<sup>61</sup> Like Hobbes, Rawls starts with the assumption that cooperation is mutually beneficial compared to non-cooperation. States then conclude a treaty that specifies the terms and conditions of cooperation in 'such a way that it is public knowledge that it is not advantageous for either state to violate it' (ibid: 147). However, 'both states are ready to pursue their goals at the expense of the other, and should conditions change they may do so' (ibid). Following Pogge (1989: 217-218), we may think of changed conditions in terms of one agent increasing his income, so that the agent – assuming declining marginal utility – has less to lose from a (partial) collapse of the cooperative scheme. He might then find it advantageous to press for more favourable terms, say, for a less redistributive scheme. If the threat of collapse is credible enough, the other agent would be forced to accept these, from his point of view, less favourable terms. The stability of the scheme is then 'contingent on circumstances remaining such as not to upset the fortunate convergence of interests' (Rawls, 1993a: 147). Self-interest, as in Hobbes, does not automatically lead to compliance with a mutually beneficial agreement. Although a necessary, it is not a sufficient condition.

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<sup>61</sup> What Rawls (1993a: 147) has to say about states also applies to individuals, because a 'similar background is present when we think of a social consensus founded on self- or group interests'.

While Hobbes and Rawls believe cooperation to be mutually advantageous compared to non-cooperation, both writers recognize that it is one thing to agree to cooperate, quite another to adhere to the agreement made. What underlies both theories is some form of compliance problem.<sup>62</sup> The fact that it is in one's self-interest to cooperate does not in itself entail that it is in one's self-interest to keep the cooperative agreement. Self-interest is an expedient device in that it allows for ex-ante compliance with a mutually beneficial agreement. It is a deficient device in that it cannot ensure ex-post compliance with this agreement. In order to guarantee ex-post compliance, Hobbes and Rawls need to make some further assumptions.

### **Legal and moral motivations for compliance**

Barry (2002: 34-37) suggests that motivations for (ex-post) compliance fall into two broad categories, legal and moral. Legal motivations are prevalent when there is an enforcement apparatus that attaches legal sanctions to non-compliance. If the loss of benefit from the penalty is greater than the gain of benefit from not complying, it is in one's self-interest to comply. Moral motivations, it seems, can be of two kinds. The first kind, mentioned by Barry, is prevalent when there are moral sanctions in the form of the disapproval of other people. If these diffuse sanctions (in contrast to the centralized ones of law) result in a loss of benefit great enough as to outdo the gain of benefit from not complying, it is, again, in one's self-interest to comply. Both legal and moral motivations of the first kind make us comply simply because it is in our self-interest to do so. For the second kind of moral motivation one has to consider another taxonomy.

Sen (2009: 203) follows Barry in distinguishing between 'two grand ways of bringing about the attainment of mutual benefits through cooperation, namely agreed contracts that can be enforced [legal motivations], and social norms that may work voluntarily in that direction [moral motivations]'. Yet Sen's understanding of moral motivations tends to deviate from Barry's. For Sen (ibid: 189), moral motivations help to solve the compliance problem not by way of internalizing the pressure of others'

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<sup>62</sup> The compliance problem is not exactly the same because Hobbes is concerned with the problem of why one should cooperate where the alternative is not cooperating, while for Rawls there is no such alternative. Defining society as a cooperative enterprise, Rawls is concerned with the problem of why one should cooperate on the terms one has agreed to where the alternative is to push for better terms of cooperation. In short, the Hobbesian compliance problem is about cooperation, whereas the Rawlsian compliance problem is about the terms of cooperation. The question of what constitutes fair terms of cooperation will not be addressed until chapter 3.

opinions into the decision-making process of the actor, but rather by implying an intention to act morally for its own sake. This second kind of moral motivation stipulates intrinsically moral incitements while abstracting from any utilitarian considerations.<sup>63</sup> Having distinguished between legal motivations and two kinds of moral motivations, we can now examine to what extent Hobbes and Rawls make use of them to solve the compliance problem inherent in their theories.

According to Hobbes (1998: 111), ‘covenants, without the sword, are but words, and of no strength to secure a man at all’. However, ‘two imaginable helps’ (ibid: 94) can be found in people’s nature that might strengthen the force of word: ‘Those are either a fear of the consequence of breaking their word; or a glory, or pride in appearing not to need to break it’. The latter, corresponding to the second kind of moral motivation identified above, is assumed to be ‘a generosity too rarely found to be presumed on’ (ibid) and therefore dismissed straight away.<sup>64</sup> The former, conforming to the first kind of moral motivation identified above, can be divided into two further aspects: people breaking their word might either fear the consequences of ‘the power of spirits invisible’, or they might fear the consequences of ‘the power of those men they shall therein offend’ (ibid). As the second aspect is not able ‘to keep men to their promises’ (ibid), Hobbes abandons it without giving it much thought. The only moral motivation left, then, is the one that is grounded in religion:

Before the time of civil society, or in the interruption thereof by war, there is nothing that can strengthen a covenant of peace agreed on, against the temptations of avarice, ambition, lust, or other strong desire, but the fear of that invisible power, which they every one worship as God; and fear as a revenger of their perfidy. (Ibid)

In circumstances in which people’s fear of God’s revenge is greater than the expected gain from noncompliant behaviour, they would probably prefer to comply rather than not. Yet this line of argument becomes extremely weak when faced with people’s differing strength of faith and the fact of atheism.<sup>65</sup>

What is needed, Hobbes (ibid: 88) admits, are ‘bonds, that have their strength, not from their own nature, (for nothing is more easily broken than a man’s word,) but

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<sup>63</sup> The distinction between first and second kind moral motivations, in some respects, but not in all, mirrors the distinction between consequentialist and deontological ethics outlined in the introductory chapter.

<sup>64</sup> While the equation of the second kind of moral motivation with what Hobbes (1998: 94) calls ‘glory, or pride’ seems to be rather inappropriate, the terms ‘generosity’ (ibid), ‘nobleness or gallantness of courage’ (ibid: 99) are certainly more in line with it.

<sup>65</sup> Hobbes (1998: 96) attends to the atheist in his discussion of the fool who does not fear God because he ‘hath said in his heart there is no God’. For Hobbes’s reply to the fool, see section four.



from fear of some evil consequence upon the rupture'. This is why Hobbes backs his theory by a device not to be found in a person's nature: the Leviathan. The Leviathan, a man or an assembly of men (ibid: 114), is an external coercive power that, by punishing noncompliant behaviour with sanctions 'greater than the benefit they [people] expect by the breach of their covenant' (ibid: 95-96), ensures that first performers have sufficient security that second performers will observe their covenants. Accordingly, 'where there is a power set up ... he which by covenant is to perform first, is obliged [*in foro externo*] so to do' (ibid: 91). We can conclude that Hobbes, while allowing moral motivations of the first kind to have some force, relies on legal motivations as the main solution to the compliance problem. Can the same be said of Rawls?

In the penultimate chapter of *A Theory of Justice*, Rawls briefly inquires into the necessity of having mechanisms of legal enforcement. Conceding that it 'can happen that there are many who do not find a sense of justice for their good' (Rawls, 1973: 576), Rawls argues for 'certain constraining arrangements to insure compliance' (ibid: 577). However, in *Political Liberalism*, Rawls dissociates himself from any legal mechanisms for compliance. There he stresses that he does not want to insure compliance 'by penalties enforced by state power' (Rawls, 1993a: 84). Nor is he interested in moral motivations of the first kind. While a person who sets out on a systematic course of deception 'will have to reckon with the psychological cost of taking precautions and maintaining his pose, and with the loss of spontaneity and naturalness that results', in 'most societies, as things are, such pretensions may have not a high price, since the injustice of institutions and the often squalid behaviour of others renders one's own deceptions easier to endure' (Rawls, 1973: 570).

The kind of agreement that really interests Rawls is that which derives its stability from moral motivations of the second kind. 'Stability for the right reasons' (Rawls, 1999a: 150) is the result of a person's autonomy, where autonomy, Samuel Freeman (2003: 300) points out,

requires acting for the sake of principles that we accept, not because of our... allegiance to ... authority [legal motivations], or the opinion of others [first kind of moral motivations], but because these principles give expression to our common nature as free and equal rational beings [second kind of moral motivations].

Because 'acting justly is something we want to do as free and equal rational beings', Rawls (1973: 572) says, the desire to act justly and the desire to express our nature as free and rational beings are 'practically speaking the same desire'. In his essay,

‘Kantian Constructivism in Moral Theory’, Rawls (1999b: 320) emphasizes that this desire

is not a desire on the same footing with natural inclinations [a distinction that becomes important in the next chapter]; it is an executive and highest-order desire to act from certain principles of justice in view of their connection with a conception of the person as free and equal.

Such a desire can then serve as the kernel of an overlapping consensus, that is, a situation in which a certain conception of justice is adhered to, not out of considerations of mutual advantage, but as a result of genuine moral endorsement (Rawls, 1993a: 147). The goal is to achieve such a consensus because the parties in it, unlike those in a *modus vivendi*, ‘will not withdraw their support of it should the relative strength of their view in society increase and eventually become dominant’ (ibid: 148). Rather, the conception of justice will ‘be supported regardless of shifts in the distribution of political power’ (ibid). We can conclude that Rawls’s solution to the compliance problem, while touching on legal motivations in his earlier work, heavily relies on the second kind of moral motivation.

But can the legal and moral motivations Hobbes and Rawls assign to their actors really ensure compliance? The dilemma with the Leviathan, to begin with Hobbes, is that the procedure by which it is created has in itself the structure of a covenant. The compliance problem the Leviathan was meant to solve then turns against it: for why should people transfer their right of nature to the Leviathan now, when others have yet to transfer theirs? The mutual suspicion of people seems to preclude the possibility of a Leviathan-creating covenant in the first place. This makes the entire logic of the Leviathan circular: the covenant presupposes the Leviathan who is supposed to be established by it. Hence, there is no exit from the state of nature.<sup>66</sup>

Parallel to Hobbes’s (1998: 111) claim that ‘covenants, without the sword, are but words, and of no strength to secure a man at all’, Rawls (1973: 347) states that without the knowledge of others having a sense of justice ‘nothing is accomplished by uttering words’. In a well-ordered society, in which free and equal persons have an

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<sup>66</sup> Hampton (1995) has tried to overcome the problem by assuming that the sovereign-designate could provide incentives (e.g. in the form of payments) for individuals to enforce the agreement that brings him into existence. However, as Kraus (2002) shows, this solution is subject to a number of further assumptions that are inconsistent with Hobbes’s overall argument. Other writers such as Kavka (1987), Johnson (1989), Sommerville (1992), Skinner (2002) and Newey (2011) have tried to escape the problem altogether by suggesting that Hobbes designed the state of nature merely to remind us of how life would be if we fail to continue to submit to government. The state of nature, on this reckoning, is not ‘a condition out of which men had to climb, but one into which they might slide’ (Johnson, 1989: 72).

executive and highest-order desire to act justly, Rawls notes, this knowledge is present (ibid). But this is exactly where the problem lies: the idea of a well-ordered society, which falls under ‘strict compliance’ (ibid: 8) or ‘ideal’ theory (ibid: 9), is ‘plainly a very considerable idealization’ (Rawls, 2001: 9). ‘In using the conception of citizens as free and equal persons’, Rawls (ibid: 8) admits, ‘we abstract from various features of the social worlds and idealize in certain ways’. This puts Rawls in an awkward position when starting his argument ‘from where we are’ (Rawls, 1999b: 322), for he cannot assume that people inhabiting our present world have an executive and highest-order desire to act justly. Rawls’s description of the actual condition of society, and the prescription he provides for its improvement, are inconsistent with each other.<sup>67</sup>

Both Hobbes and Rawls seem to have the solution to the compliance problem at hand (Hobbes: a rule-enforcing authority, Rawls: a highest-order desire to act justly), but both philosophers face the difficulty that their starting point (Hobbes: the state of nature, Rawls: society as we find it) does not allow this solution to come into force.<sup>68</sup> The only way out, it seems, would be to claim that the moral constraints on the pursuit of one’s advantage are in itself beneficial. For if it can be shown that the constraints overriding advantage make possible the more effective realization of one’s self-interest, it can be shown that self-interested persons would comply with their agreements made. In the next section, I will argue that Hobbes and Rawls do in fact consider this possibility. Yet they cannot rest too much weight on it, as it would weaken their absolute claims of order by a rule-enforcing authority and justice by a highest-order desire.

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<sup>67</sup> Rawls’s challenge, then, is to transform his argument for the principles of justice into our present social world. Considering his three points of view (Rawls, 1993a: 28), he has to demonstrate how people like you and me – liable to be unreasonable – can arrange their society according to the principles of justice that parties in the original position – constrained by the reasonable – would choose and that citizens in a well-ordered society – freely accepting the constraints of the reasonable – live by. As Sen (2009: 68), otherwise a great admirer of Rawls, has recently pointed out: ‘[E]ven if we accept that the choice of basic social institutions through a unanimous agreement would yield some identification of “reasonable” behaviour (or “just” conduct), there is still a large question about how the chosen institutions would work in a world in which everyone’s actual behaviour may or may not fully come into line with the identified reasonable behaviour. The unanimous choice of the principles of justice is ground enough, Rawls argues, for their forming a “political conception” of justice that all accept, but that acceptance may still be a far cry from the actual patterns of behaviour that emerge in any actual society with those institutions. Since no one has argued more powerfully and more elaborately than John Rawls for the need for “reasonable” behaviour by individuals for a society to function well, he is clearly very aware of the difficulty in presuming any kind of spontaneous emergence of universal reasonable behaviour on the part of all members of a society’.

<sup>68</sup> Recall that Rawls develops his argument for the two principles of justice from three different points of view: that of the parties in the original position, that of citizens in a well-ordered society, and that of people in society as we find it. Although most writers regard the view from the original position as the most central (see Barry, 1989a: 213), Rawls’s moral inquiry begins with existing societies (Kukathas, 1990: 145). The original position, Kukathas and Pettit (ibid) explain, ‘is not the starting point in Rawls’s philosophy but a way of modeling the values of an actual social order’.

## **The fool and the franchiser**

The last section was based on Barry's distinction between legal and moral motivations for compliance, as it is presented in the second volume of his treatise on social justice, *Justice as Impartiality*. This section draws on a distinction that Barry (1989a: 360-361) makes in the first volume of his treatise, *Theories of Justice*, where he presents – or rather hints at – two arguments for why individuals might comply with their agreements even in the absence of legal or moral motivations. The first argument against defection is that failure to do one's part in a cooperative venture may cause it to collapse, or at any rate weaken it, so that one is worse off than one would otherwise have been. Here Barry might have had in mind David Hume's (1978: 490) famous example of two people rowing a boat that neither can row alone. If only one person fails to do his or her part, the cooperative venture collapses with both persons worse off. As a result, each person has an incentive to row when the other person rows.

The second argument against defection is that one may be excluded from present and future cooperative ventures when one fails to do one's part. This argument can be illustrated by slightly modifying Hume's example: in this case it is possible to row the boat with one manpower alone. When there are two people in the boat, both rowing, the boat goes faster than if there was only one person in the boat. Meanwhile, when there are two people in the boat, one rowing and the other not rowing, the boat, because of the additional burden, goes slower than if there was only one person in the boat. The person rowing then has an incentive to throw the person not rowing overboard. Failing to do one's part, then, can result not only in the weakening of the cooperative venture (henceforth, the weakening argument), but also in the exclusion from the cooperative venture (henceforth, the exclusion argument). If a cooperative venture has one of these features, non-compliant behaviour might be irrational from a self-interested point of view. In the following paragraphs, it will be examined to what extent the cooperative schemes of Hobbes and Rawls exhibit these features.

To recall, the compliance problem inherent in Hobbes's theory is that self-interested parties might not comply with a mutually beneficial agreement because of their apprehensions about the willingness of others to comply. From this, several scholars have concluded that Hobbes's contract theory possesses the structure of a

prisoner's dilemma.<sup>69</sup> According to these scholars, people in the state of nature not only have a good self-interested reason not to observe the laws of nature when everyone else does not observe them; they also have a good self-interested reason not to observe them when everyone else does observe them.<sup>70</sup> Why, these scholars ask, should a person renounce his or her right of nature, that is, his or her liberty to do whatever he or she wants at any given moment, when everyone else's renunciation makes him or her secure?

Yet at no point in *Leviathan* does Hobbes indicate that his contract theory has the structure of a prisoner's dilemma. On the contrary, in the paragraph subtitled 'Justice Not Contrary to Reason', Hobbes (1998: 96-97) takes issue with the fool who claims that 'not [to] keep covenants, was not against reason, when it conduced to one's benefit' (ibid: 96).<sup>71</sup> What the fool is essentially questioning is the third law of nature, specifying that people perform their covenants made (Gauthier, 1986: 161). Since a law of nature is defined as a precept found out by reason, Hobbes needs to reject the claim that keeping of covenant can be against reason (Martinich, 2005: 103). '[W]here one of the parties has performed already', Hobbes (1998: 97) says in all clarity, 'there is the question whether it be against reason, that is, against the benefit of the other to perform, or not. And I say it is not against reason'.<sup>72</sup>

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<sup>69</sup> Rawls (1973: 269), figuring most prominently among those, holds Hobbes's state of nature to be the 'classical example' of the prisoner's dilemma. Others arguing in this vein include Barry (1965), Taylor (1976) and Levine (2002).

<sup>70</sup> In game theory parlance, non-cooperation is a dominant strategy: it is rational for each player in the prisoner's dilemma to defect regardless of what the other player does.

<sup>71</sup> Hobbes's reply to the fool is of particular interest, because the fool, as someone who 'hath said in his heart there is no God' (Hobbes, 1998: 96), and therefore does not fear the consequences of 'the power of spirits invisible' (ibid: 94), has to be refuted on purely self-interested grounds. There are, as Martinich (2005: 104) notes, several interpretations of why Hobbes refers to this person as a fool. While Goldsmith (1968: 118) thinks the fool to be a fool because he has not reasoned correctly that there is a God, Lloyd (2009: 302-305) believes the fool to be a fool because of his inference that those actions are most reasonable that most conduce to their ends. Gauthier (1969: 88) even arrives at the conclusion that the fool is no fool after all. My own interpretation, as outlined below, is that the fool's foolishness lies in his belief that it can be against reason to perform where the other party has performed already.

<sup>72</sup> Put in game theory parlance, Hobbes does not believe that the players have a dominant strategy to defect: it is rational to defect when the other player defects and to comply when the other player complies. The full statement reads: 'For the question is not of promises mutual, where there is no security of performance on either side; as when there is no civil power erected over the parties promising; for such promises are no covenants: but either where one of the parties has performed already; or where there is a power to make him perform; there is the question whether it be against reason, that is, against the benefit of the other to perform, or not. And I say it is not against reason'. Given Hobbes's (1998: 91) claim that in the state of nature 'he which performeth first, does but betray himself to his enemy', one might think that the phrase 'where one of the parties has performed already' is framed from within a social context where a sovereign ensures that the first performer does not betray himself to his enemy. There are, however, at least three good reasons for why the phrase refers to the state of nature. Firstly, Hobbes writes that the question of whether it is against reason to perform arises 'either where one of the parties has performed already; or where there is a power to make him perform' (my emphasis). If we interpret both phrases to be framed within a social context, Hobbes's usage of the

On what grounds does Hobbes make this claim? Given that a person's failure to perform would hardly have any effect on overall security, he cannot rest it on the weakening argument – the argument that free-riding is irrational as it would cause the cooperative venture to collapse.<sup>73</sup> On the other hand, the exclusion argument – the argument that free-riders can be excluded from a present and future cooperative venture – might have some force. Answering the fool, Hobbes (*ibid*) does in fact make use of it:

He ... that breaketh his covenant, and consequently declareth that he thinks he may with reason do so, cannot be received into any society, that unite themselves for peace and defence, but by the error of them that receive him; nor when he is received, be retained in it, without seeing the danger of their error; which errors a man cannot reasonably reckon upon as the means of his security: and therefore if he be left, or cast out of society, he perisheth; and if he live in society, it is by the errors of other men, which he could not foresee, nor reckon upon; and consequently against the reason of his preservation; and so, as all men that contribute not to his destruction, forbear him only out of ignorance of what is good for themselves.

Provided that people commit no error, Hobbes believes that a person violating his or her covenant would be denied membership to society. But social exclusion can by no means be in a person's interest: if a man is 'cast out of society', Hobbes (*ibid*) says, 'he perisheth', because he 'can in reason expect no other means of safety, than what can be had from his own single power'. From this, Hobbes (*ibid*: 97-98) concludes that keeping of covenant is a rule of reason.<sup>74</sup>

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clause 'either ... or' makes little sense, because in society, where one of the parties has performed already, there is by Hobbes's very definition of society a power to make him perform. Secondly, as a manifestation of the claim that it is not against reason to perform where one of the parties has performed already, Hobbes (*ibid*: 97) explicitly refers to the pre-social condition: '[I]n a condition of war, wherein every man to every man, for want of a common power to keep them all in awe, is an enemy ... he ... that breaketh his covenant ... cannot be received into any society'. Thirdly, if the phrase was really framed from within a social context, why does Hobbes not simply say that not performing is foolish because it will be punished by the almighty Leviathan? Instead, he argues that not performing is foolish because the violator cannot reasonably believe to be received into society, as a result of which he perishes. We have therefore good reasons to assume that it is Hobbes's position that in the state of nature it is not against reason to perform where one of the parties has performed already. For similar readings, see Kavka (1986: 137-156, 387, 405), Hampton (1995: 64-65) and Malcolm (2002: 438).

<sup>73</sup> Assuming that the provision of security is a public good with the structure of a step good, that is, with the characteristic of coming into existence immediately after a certain threshold is met and then not increasing in magnitude by further contributions, the weakening argument would apply only to the one particular individual whose contribution is necessary to bring the good into existence.

<sup>74</sup> For Hobbes, it is a matter of accident that a person violating his or her covenant is not discovered. He consequently cannot deny that there are situations in which a person can achieve great gain by violating his or her covenant. What he can deny, though, is that a person can with right reason expect that violation of covenant will conduce to his or her gain (Gauthier, 1969: 84-85). As Hobbes (1998: 97) puts it: '[W]hen a man doth a thing, which notwithstanding anything can be foreseen and reckoned on tendeth to his own destruction, howsoever some accident, which he could not expect, arriving may turn it to his benefit; yet such events do not make it reasonably or wisely done'.

The finding that performance is a rational response to performance by others removes not only what Rawls (1973: 336) calls ‘instability of the first kind’, namely the tendency to free-ride on the performance of others, but also what Rawls calls ‘instability of the second kind’, namely the tendency not to perform, not because one is not generally willing to do so, but because one has apprehensions about the willingness of others to perform. For if we believe Hobbes that ‘the names *man* and *rational*, are of equal extent, comprehending mutually one another’ (Hobbes, 1998: 22; italics in original),<sup>75</sup> and if Hobbes is right that it is rational for me to perform when you have performed already, I can reasonably believe that you will find it rational to perform when I have performed already. Accordingly, it must be rational, or at least not irrational, for me to perform first. As Hampton (1995: 65) illustrates:

Suppose Alice and Bill make a contract to exchange Alice’s horse for Bill’s cow. If Alice is to be the first to perform, she will reason (provided she accepts Hobbes’s argument in the answer to the fool) that it is rational for Bill to give her the cow if she keeps her part of the bargain by first turning over the horse to him. But if this is so, then it is also advantageous for her to perform.

Considering that people in the state of nature have a tremendous amount to gain by the success of the social contract (Kavka, 1986: 243), and considering also that they must not expect universal compliance to make their own compliance worthwhile (ibid: 244), they will have a good self-interested reason to perform, irrespective of their position in the line of performing.

The implication of this is twofold: while it allows Hobbes to solve the dilemma of instituting the Leviathan (it is now rational to transfer one’s right of nature to the Leviathan, even when others have yet to transfer theirs), it comes at the price of rendering the Leviathan redundant (the laws of nature will now be observed without having to institute a sovereign).<sup>76</sup> As Hobbes’s primary concern is with the justification of the state, he cannot give the argument of the rationality of contracting in the absence of a sovereign too much force. It seems to be for this reason that he puts forward a number of statements in which he suggests that men – contrary to his

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<sup>75</sup> This, in fact, is a premise that can be found across all of Hobbes’s major works: in *Man and Citizen*, Hobbes (1991: 73) writes that ‘God ... hath made man rational’, in *Human Nature: Or the Fundamental Elements of Policy*, he states that ‘man’s nature is the sum of his natural faculties and powers ... contained in the definition of man, under these words, *animal* and *rational*’ (Hobbes, 2005a: 2; italics in original), and in *De Corpore*, we read that ‘*body, animated, rational* are in speech compounded into this one name, *body-animated-rational*, or *man*’ (Hobbes, 2005b: 4; italics in original).

<sup>76</sup> Hobbes’s state of nature then looks remarkably like the one of Locke. In such a state, a sovereign is an additional, but no longer an essential part: it is required to enforce existing patterns of cooperation, not to create those patterns.

psychological characterization of them – are not always rational.<sup>77</sup> However, for the purpose of the present chapter the argument is too important not to consider its consequences. For if it is not against reason to perform first, pursuing one's self-interest is no longer a hindrance to getting a mutually beneficial cooperative agreement underway. Following his refutation of the fool, we can say that self-interest, for Hobbes, is not only a necessary, but also a sufficient condition for compliance with a mutually beneficial agreement.

Having examined the implications of Hobbes's reply to the fool, I now turn to Rawls's discussion of a franchiser. The compliance problem inherent in Rawls's theory, as pointed out above, is that self-interested parties in a mutually beneficial agreement might press for even better terms once the opportunities arise. It is only in Rawls's (2001) unfinished last work, *Justice as Fairness: A Restatement*, that we find an illuminating example that promises to resolve this problem. In a footnote that has received little to no attention, Rawls draws an analogy between a private cooperative venture and the cooperative venture of society that is worth citing in full length:

Consider the following analogy, which I owe to Peter Murrell. A franchiser (say Dunkin' Donuts) is deciding what kind of terms to put in its contract with its many franchisees. Suppose there are two strategies it may follow. The first is to try to make a separate contract with each franchisee, hoping to take a higher percentage of the return in better-situated franchises, as well as increasing the percentage when particular franchises become more profitable. The second strategy is to set once and for all a fixed percentage that seems fair throughout the franchise and to require of franchisees only certain minimum standards of quality and service so as to preserve the franchiser's reputation and the good will of the public, on which its profit depend. Here I assume that the minimum standards of quality and service are quite clear and can be enforced without seeming arbitrariness. Note that the second strategy of setting a fixed percentage for all franchises and enforcing minimum standards has the advantage that it fixes once and for all the terms of agreement between the franchiser and the franchisees. The franchiser's interest in its reputation is secured, while at the same time franchisees have an incentive to meet the franchiser's minimum standards and to increase their own return, thus strengthening the franchise as a whole. They know the franchiser will not try to increase its return should they become more prosperous. Thus, given the very great initial uncertainty the franchiser faces, the great uncertainty in cooperative relations between franchiser and franchisee that the first strategy would perpetuate, and the continuing suspicion and distrust which that uncertainty would cause, the second strategy is superior. From the point of view of the franchiser's own interests it is more rational to try to create a climate of fair cooperation based on clear and fixed terms that strike all parties as reasonable than to try for adjustable fine-tuned contracts that might enable the franchiser to increase profits as particular opportunities arise.

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<sup>77</sup> While in *De Cive*, where he asserts that 'men cannot put off ... [the] irrational appetite, whereby they greedily prefer the present good (to which, by strict consequence, many unforeseen evils do adhere) before the future', Hobbes (2004: 38) resorts to a 'shortsightedness account' (Hampton, 1995: 80-96), in *Leviathan*, where he writes that 'the passions of men, are commonly more potent than their reason', Hobbes (1998: 124) seems to favour a 'passions account' (Hampton, 1995: 63-67). Hobbes is therefore unable to exploit what is nevertheless the consequence of his characterization of human psychology and his refutation of the fool.



There is some evidence that in fact successful franchisers follow the second strategy. (Ibid: 118-119)

What Rawls is assuming here is that from a self-interested perspective it is more rational to adhere to the terms of a contract than to push for better terms should the opportunity arise. Considering what Rawls has previously said about the rationality – or rather, irrationality – of complying with a mutually beneficial agreement in a *modus vivendi*, this is an astonishing claim. What is it that makes the franchiser prefer acting fairly and not increasing profits to acting unfairly and increasing profits?

Rawls says that following the second strategy has ‘the advantage that it fixes once and for all the terms of agreement between the franchiser and the franchisees’. By means of this, ‘the franchiser’s interest in its reputation is secured while at the same time franchisees have an incentive to meet the franchiser’s minimum standards and to increase their own return, thus strengthening the franchise as a whole’. What appear to be two advantages for the franchiser – good reputation and realized minimum standards – is in effect just one, because three sentences earlier Rawls defines realized minimum standards as an explanatory variable of good reputation. What makes the second strategy superior to the first one, then, is that franchisees have an incentive to meet the franchiser’s minimum standards (thereby securing the reputation of the franchise, which, in turn, yields higher returns for the franchiser) and to increase their own returns (thereby further increasing the returns of the franchiser). The advantage of the first strategy, on the other hand, is that it yields a higher percentage in current returns. The disadvantage of this strategy is that franchisees neither have an incentive to meet the franchiser’s minimum standards nor an incentive to increase their own returns, thus weakening the franchise as a whole. At the bottom of this example, then, is a trade-off between lower short-term and greater long-term gains, on the one hand, and greater short-term and lower long-term gains, on the other hand. Rawls claims that the successful franchiser opts for the lower short-term/greater long-term gain variant.<sup>78</sup>

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<sup>78</sup> The idea of a long-term interest is a recurring theme in Rawls’s work. In his first comment on the subject, *Justice as Fairness*, Rawls (1999c [1958]) argued that one reason for people to come up with the two principles of justice is a sense of their long-term advantageousness. The basic argument is that the principles we choose will be binding for the rest of our lives. We must consider that our tastes and circumstances may change in the future with the result that the principles we are proposing with a view to our present tastes and circumstances might then be to our disadvantage. Rawls believes that the uncertainty about the future is so great that self-interested people, taking a long-term view, would settle on the two principles of justice. While in *A Theory of Justice* this ‘natural uncertainty’ is replaced by a ‘stipulated uncertainty’ (Barry, 1989a: 336), the essence of the argument remains in Rawls’s account of the natural duties. One ground for proposing a duty of mutual aid, Rawls (1973: 338-339) writes, ‘is that situations may arise in which we will need the help of others, and not to acknowledge this principle is to deprive ourselves of their assistance. While on particular occasions we are required to do things not in

By means of this, Rawls establishes the link between morality and rationality that is also present in Hobbes's reply to the fool. Both philosophers stress that acting fairly can be entirely consistent with promoting one's (long-term) self-interest. While Hobbes, suggesting that free-riders will most likely be excluded from society, does so on grounds of the exclusion argument, Rawls, taking society as a cooperative venture whose members 'leave it only by death' (Rawls, 1993a: 12), has to present another justification.<sup>79</sup> A look at his franchiser example reveals that he makes use of the weakening argument: on Rawls's account, franchisers are wise not to press for better terms should opportunities arise, as this would weaken the franchise as a whole. Thus, when Rawls says that in the cooperative venture of a franchise it is in one's self-interest to comply with the terms of the agreement one has made, he means, by analogy, that in the cooperative venture of society it is in one's self-interest to comply with the terms of the agreement one has made. Following his franchiser analogy, we can say that self-interest, for Rawls, is not only a necessary, but also a sufficient condition for compliance with a mutually beneficial agreement.<sup>80</sup>

### *Summary*

The aim of this chapter has been to determine the role self-interest plays in the political theories of Hobbes and Rawls. In the first section, it has been shown that self-interest is a necessary condition for both the derivation and implementation of Hobbes's and Rawls's moral principles. While the upshot of the second section has been that self-interest cannot be a sufficient condition for compliance with a mutually beneficial agreement, the results of the fourth section suggest that self-interest, after all, can be a sufficient condition. How are we to explain this?

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our own interests, we are likely to gain on balance at least over the long run under normal circumstances. In each single instance the gain to the person who needs help far outweighs the loss of those required to assist him, and assuming that the chances of being the beneficiary are not much smaller than those of being the one who must give aid, the principle is clearly in our interest'.

<sup>79</sup> This does not prevent Rawls from making some concessions to the exclusion argument. Having shown that 'participating in the life of a well-ordered society is a great good', Rawls (1973: 571) claims that 'to share fully in this life we must acknowledge the principles of its regulative conception'. While Rawls does not further explain what he means by the phrase 'to share fully', he can be interpreted to say, without too much distortion, that if we do not acknowledge certain principles, we are partly excluded from the life of a well-ordered society.

<sup>80</sup> In *Political Liberalism*, Rawls (1993a: 49-54) corrects his statement in *A Theory of Justice* that his theory of justice is a part of the theory of rational choice. Not the theory of justice as a whole, but merely the account of the parties and their reasoning in the original position uses the theory of rational decision. What should be evident from the analysis in this chapter, however, is that self-interest, a concept that is central to rational choice theory, plays a prominent role in Rawls's theory of justice as a whole.

The self-interest Hobbes and Rawls are appealing to in section two seems to be a narrow short-term interest, whereas the self-interest present in section four tends to be an enlightened long-term interest. Both short-term and long-term utility maximizers recognize that cooperation is mutually beneficial compared to non-cooperation. Where they split ways is over the willingness to adhere to a cooperative agreement. While short-term utility maximizers believe that defecting from the agreement yields greater payoffs than observing it, long-term utility maximizers point to the fact that defection is likely to result in exclusion from actual and future cooperative ventures (Hobbes), or the weakening of the cooperative venture over the long haul (Rawls), pushing the costs of defecting to a level higher than the costs of observing the agreement. Whenever exclusion or weakening is sufficiently adverse to outweigh any short-term benefits – and there are good reasons to assume that this is the case with the cooperative ventures Hobbes and Rawls are describing – one has a self-interested motive for compliance with a mutually beneficial agreement.

### 3. Hobbes and Rawls within Barry's Three Traditions of Formal Justice

In the introductory chapter, I briefly addressed the problem of distributive justice. In the second chapter, I turned to issues of formal justice. There I asked why individuals would comply with a mutually beneficial agreement. The answer we got from Hobbes and Rawls was that it is likely to be in their long-term self-interest to do so. The aim of the present chapter is to clear the ground for later chapters by locating Hobbes's and Rawls's answer in the traditions of Western speculation on this topic. In the first volume of his treatise, Barry (1989a) identifies two such traditions: justice as mutual advantage and justice as impartiality. One of Barry's central arguments is that Rawls's theory of justice contains elements of both traditions. This has been questioned by Allan Gibbard (1991), who argues that neither justice as mutual advantage nor justice as impartiality can be associated with Rawls. In truth, Gibbard says, Rawls stands in the tradition of justice as reciprocity. Before we can determine which scholar is right, we have to examine the three traditions in some detail.<sup>81</sup>

#### **Justice as mutual advantage, justice as impartiality and justice as reciprocity**

Justice as mutual advantage, Barry (1989a: 7) says, consists 'in the constraints on themselves that rational self-interested people would agree to as the minimum price that has to be paid in order to obtain the cooperation of others'.<sup>82</sup> This brings out the idea that people expect to benefit, not from their own act of cooperation, but from that of their fellows. But this carries the risk of people no longer cooperating as soon as they obtain the cooperation of their fellows. As Barry (2002: 51) finally acknowledges, justice as mutual advantage is a very unstable conception with the structure of a prisoner's dilemma: player 1 will not only not cooperate when he believes player 2 not to cooperate; he will also not cooperate when he believes player 2 to cooperate. Consequently, justice as mutual advantage is located in the lower two rectangles in *Table 1*.

According to Barry (1989a: 363), the basic idea of justice as impartiality can be expressed in different ways, whereby 'the details of these differences can produce

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<sup>81</sup> In the second volume of his treatise, Barry (2002) comes to recognize justice as reciprocity as a distinctive tradition alongside justice as mutual advantage and justice as impartiality. These three traditions roughly parallel Gauthier's (1967) earlier account of the prudent, the trustworthy, and the prudent but trustworthy man.

<sup>82</sup> The self-interest in question, Gibbard (1991: 273) points out, seems to be a narrow short-term interest rather than an enlightened long-term interest.

profound effects on the outcomes that the theory generates’. While Barry cannot give a general account of what justice as impartiality comprises, he provides us with the motive for behaving in conformity with it, which ‘is the desire to act in ways that can be defended to oneself and others without appealing to personal advantage’ (ibid: 361). Such a ‘desire to act justly’ (ibid: 363), it appears, is independent of other people’s desires. Cooperation, then, is a dominant strategy: player 1 will cooperate irrespective of whether he believes player 2 to cooperate or not. This is why justice as impartiality appears in the upper two rectangles in *Table 1*.

A third tradition of justice is that of justice as reciprocity (Gibbard, 1991). Later, when I examine the motivational basis of justice as reciprocity, I argue that there are actually two versions of this tradition – justice as self-interested reciprocity and justice as fair reciprocity. But for now all that matters is that justice as reciprocity, as its name suggests, contains an element of reciprocity. As such, it has essentially the structure of an assurance game: player 1 will cooperate when he believes player 2 to cooperate, and he will not cooperate when he believes player 2 not to cooperate. Accordingly, justice as reciprocity is included in the upper left and lower right rectangle in *Table 1*.<sup>83</sup>

*Table 1:*

		<b>player 2</b>	
		<b>cooperate</b>	<b>not cooperate</b>
<b>player 1</b>	<b>cooperate</b>	impartiality, reciprocity	impartiality
	<b>not cooperate</b>	mutual adv.	reciprocity, mutual adv.

<sup>83</sup> Given the lack of a standard definition of justice as mutual advantage, justice as impartiality and justice as reciprocity – thinkers such as Barry (1989a; 2002), Buchanan (1990) and Gibbard (1991) seem to have their very own ideas of what exactly constitutes these traditions, which, in the case of Barry, even change over time – a definite allocation proves difficult. *Tables 1* and *2* therefore reflect my own definition and interpretation of the traditions and thinkers, with no necessary connection to how the thinkers would pigeonhole the traditions or themselves.

The task that remains is to situate Hobbes and Rawls in this table. Barry (2002: 31) takes Hobbes to be the ‘greatest expositor’ of the tradition of justice as mutual advantage. Hobbes’s idea that people, in laying down their right of nature, escape the dreadful state of nature does in fact correspond to the tradition’s presentation of self-restraint as a rational sacrifice of part of our good for the sake of a greater good. Recall, however, that justice as mutual advantage implies that whenever people can reap the greater good without having to make a sacrifice, or at least no immediate one, they will not make that sacrifice. Accordingly, a person moved by justice as mutual advantage will not make the sacrifice of laying down his or her right of nature where the other side has made that sacrifice already. It is at this point that Hobbes departs from justice of mutual advantage. Answering the fool, Hobbes leaves no doubt that it is against reason not to lay down one’s right of nature where the other side has done so already. But insofar as Hobbes’s theory does not qualify as an example of justice as mutual advantage, what is it then?

Here it is worth considering Hobbes’s laws of nature, and the second law in particular, which holds

that a man be willing, when others are so too, ... to lay down this right to all things [the right of nature]; and be contented with so much liberty against other men, as he would allow other men against himself... But if other men will not lay down their right, as well as he; then there is no reason for any one, to divest himself of his. (Hobbes, 1998: 87)

The first part of the law dictates that a person gives up some portion of his or her liberty, provided that other people do so as well. If other people do not lay down their right of nature, the second part of the law applies, which postulates that a person does not have to lay down his or her right of nature. Note that to comply when others comply, and not to comply when others do not comply, is nothing else than to reciprocate. At the bottom of Hobbes’s second law of nature then lies a pattern of reciprocity.<sup>84</sup> As we shall see below, this pattern is also characteristic of Hobbes’s third and fourth laws. It is also implicit in the first law – the fundamental law of nature from which the second law is derived – holding ‘that every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war’ (ibid), and in the negative form of the golden rule, which summarizes all nineteen laws of nature: ‘Do not that to another,

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<sup>84</sup> This, after all, follows from Hobbes’s premise that ‘[w]hensoever a man transferreth his right, or renounceth it, it is either in consideration of some right *reciprocally* transferred to himself; or for some other good he hopeth for thereby’ (Hobbes, 1998: 88; my emphasis).

which thou wouldest not have done to thyself' (ibid: 104). Hence, the theory Hobbes is advancing seems to be not one of justice as mutual advantage, but one of justice as reciprocity.

What are we to make of Barry's characterization of Rawls as a proponent of both justice as mutual advantage and justice as impartiality? Let us consider the two traditions in turn. Rawls (1973: 347), recognizing that 'while we normally think of moral requirements as bonds laid upon us, they are sometimes deliberately self-imposed for our advantage', certainly draws the connection between self-restraint and advantage that is also central to justice as mutual advantage. The controversy is one that arises once the bonds are laid upon us. As a short-term utility maximizing theory, justice as mutual advantage implies that it is in my interest 'that everybody else adheres to rules that are mutually advantageous if generally adhered to and I break them whenever it is to my advantage to do so' (Barry, 2002: 51). This leads to the question of whether justice as mutual advantage is a theory of justice at all.<sup>85</sup> This, however, is a question that does not have to concern Rawls, because he holds, at least if we believe his franchiser analogy, that once a cooperative agreement has been set up it is irrational to break the rules of the agreement. Hence, Rawls's theory is not one of justice as mutual advantage. Is it one of justice as impartiality?

The answer to this, I suggest, lies in the term 'the reasonable', a 'difficult' term that 'easily becomes vague and obscure' (Rawls, 1993a: 48) but that 'will not be explicitly defined' (Rawls, 2001: 82). This term appears for the first time in 'Justice as Fairness', where Rawls (1999c [1958]) comes up with the idea that self-interested persons decide over the principles of justice that should govern the basic institutions of their society. To guarantee this choosing situation to be fair, Rawls describes the persons as being subject to certain constraints. Later, in *A Theory of Justice*, Rawls presents these constraints, inter alia, in form of the veil of ignorance. However, at the time he wrote 'Justice as Fairness', he had not developed this device yet. Instead he wants us to imagine the constraints 'analogous to those of having a morality', where 'having a morality must at least imply the acknowledgement of principles as *impartially* applying to one's own conduct as well as to another's' (Rawls, 1999c: 54; my emphasis). Being constrained in this way, 'rational and mutually self-interested persons are brought to act *reasonably*' (ibid; my emphasis). From this, we might conclude with Audard (2007: 77) that the reasonable embraces an idea of

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<sup>85</sup> Barry (2002: 45-46) answers in the affirmative but shows that justice as mutual advantage suffers from several drawbacks.

impartiality.<sup>86</sup> Yet from Rawls's later writings, beginning with *Political Liberalism*, it is quite clear that the reasonable does not equate with the impartial.

Rawls's primary concern in *Political Liberalism*, a collection of lectures he gave in the 1980s, is to demonstrate that the principles of justice are recognized from within the perspective of citizens' comprehensive moral doctrines. But in order to show that the reasonable can connect with the motivations of citizens, Rawls has to free it from some moral content. 'For the purposes of a political conception of justice', Rawls (1993a: 49) writes in *Political Liberalism*, 'I give the reasonable a more restricted sense [than it is given in Kant]'. He associates it with a readiness 'to propose principles and standards as fair terms of cooperation, and to abide by them willingly, given the assurance that others will likewise do so' (ibid; my emphasis). Note that compliance with these principles is not unconditional, but conditional on the compliance of others. Reciprocity, not the wider notion of impartiality, connects with the idea of the reasonable. Rawls (ibid: 50) could not be much clearer about this: '[T]he idea of impartiality', he says, 'is altruistic (as moved by the general good)'. However, reasonable agents 'are not moved by the general good as such but ... insist that reciprocity should hold ... so that each benefits along with others' (ibid). A little later, Rawls (ibid: 54) puts the point even more forcefully: '[T]he reasonable (with its idea of reciprocity) is not the altruistic (the impartial acting solely for the interests of others) nor is it the concern for self (and moved by its ends and affections alone)'. But when Rawls's theory is neither one of justice as impartiality nor one of justice as mutual advantage, what is it then?

As should be clear by now, Rawls advances a theory of justice as reciprocity, with reciprocity being 'a moral idea situated between impartiality ... on the one side and mutual advantage on the other' (ibid: 77). We must conclude that Gibbard had every reason to question Barry's association of justice as impartiality and justice as mutual advantage with Rawls. As Rawls (ibid: 17) notes himself: 'Barry thinks justice as fairness hovers uneasily between impartiality and mutual advantage, where Gibbard thinks it perches between on reciprocity. I think Gibbard is right about this'.<sup>87</sup>

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<sup>86</sup> Audard's (2007) discussion of Rawls is rather inconsistent in this regard. While at times she claims that Rawls's 'understanding of the moral aspect of justice is distinctive and does not simply equate justice with impartiality' (ibid: 37), at other times she suggests the reasonable to mean such thing as a 'capacity for a sense of justice as impartiality' (ibid: 77).

<sup>87</sup> After being criticised by Gibbard and Rawls for not having identified justice as reciprocity as a distinctive alternative, Barry (2002), in *Justice as Impartiality*, tries to show that what he meant by justice as mutual advantage and justice as impartiality in *Theories of Justice* is in line with justice as reciprocity: '[M]y account in *Theories of Justice* ... of the aspect of Rawls's theory that I claimed to fall



Having considered advocates of all three traditions of formal justice, we can now fill in the rectangles in *Table 2*. Let us first determine the place of Hobbes and Rawls in this table. As mentioned above, Hobbes's second law of nature requires that people be willing to lay down their right of nature 'when others are so too' (Hobbes, 1998: 87; my emphasis). Similarly, for Rawls, the reasonable demands that we act on certain principles of justice, 'provided others can be relied on to do the same' (Rawls, 1993a: 53-54, my emphasis). 'If we cannot rely on them', Rawls tells us, 'then it may be irrational or *self-sacrificial* to act from those principles' (ibid: 54; my emphasis). Likewise, 'if other men will not lay down their right', Hobbes says, 'then there is no reason for any one, to divest himself of his: for that were to *expose himself to prey*' (Hobbes, 1998: 87; my emphasis). In that case, the laws of nature oblige only '*in foro interno*' (ibid: 105; italics in original). Equally, for Rawls, when others cannot be relied on to reciprocate, 'the reasonable may be suspended', although it 'always binds *in foro interno*, to use Hobbes's phrase' (Rawls, 1993a: 54; italics in original). What this shows is that for Hobbes and Rawls there will be no situation in which it is rational for only one player to cooperate. Either both players cooperate, or neither one does. Accordingly, the names of Rawls and Hobbes can be included in the upper left and lower right rectangle.

Barry joins Rawls and Hobbes in the upper left rectangle by virtue of his claim that the motive for just behaviour is a 'desire to act justly' (Barry, 1989a: 363). But this claim also puts him in the upper right rectangle, for Barry provides no reason, at least not in his earlier work, why people should make their desire dependent on the desire of others. Finally, the fool appears in the lower left rectangle by virtue of his

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under the theory of justice as mutual advantage was intended to fit in with the idea that the motive for compliance would be a sense of justice as "fair play," i.e. a duty to do one's part to sustain a mutually advantageous institution. I regret not making this more explicit' (ibid: 48). This claim is quite astonishing, as it is only in the conclusion of *Theories of Justice* that Barry (1989a: 361) sketches a 'sophisticated version' of justice as mutual advantage under which justice 'consists in playing one's part in mutually advantageous cooperative arrangements'. On the other hand, justice as impartiality, Barry (2002: 51) now argues, 'has the structure of an assurance game. If I am motivated by a desire to behave fairly, I will want to do what the rules mandated by justice as impartiality require so long as enough other people are doing the same'. Note the two fundamental changes Barry makes to his prior statement of justice as impartiality: firstly, he no longer speaks of a desire to act justly, as in *Theories of Justice*, but of a desire to behave fairly – a term that Rawls uses to describe his theory of justice as reciprocity – and secondly, this desire now exists only as long as enough other people have the same desire – a condition not to be found in *Theories of Justice*. But when both justice as mutual advantage and justice as impartiality articulate an idea of fair play and reciprocity, one is left to wonder why Barry (1989a: 361), in *Theories of Justice*, defines justice as impartiality 'more or less as the obverse' of justice as mutual advantage.

claim that it may not stand against reason to free-ride on the compliance of others.<sup>88</sup> Of course, the fool would never permit others to free-ride on his own compliance, which puts him also in the lower right rectangle.

Table 2:

		<b>player 2</b>	
		<b>cooperate</b>	<b>not cooperate</b>
<b>player 1</b>	<b>cooperate</b>	Hobbes, Rawls, Barry,	Barry
	<b>not cooperate</b>	Fool	Hobbes, Rawls, Fool

### **The scope of justice as reciprocity**

In this section, I try to substantiate the claim that justice as reciprocity lies at the heart of Hobbes's and Rawls's moral philosophy by looking at further aspects of their theories. In particular, I argue that for Hobbes and Rawls obligations of reciprocity arise not only when people have made an explicit agreement to reciprocate, but also when they freely accept the benefits of other people's cooperation.

Having considered Hobbes's second law of nature in the previous section, I now turn to his third and fourth laws. The third law, in which 'consisteth the fountain and original of justice', postulates 'that men perform their covenants made' (Hobbes, 1998: 95), which, after all, is to reciprocate. Accordingly, when Hobbes speaks of justice he means justice as reciprocity.<sup>89</sup> But the obligation to reciprocate not only

<sup>88</sup> The fool can be seen as a free-rider in as much as he seeks to take advantage of the renunciation of the right of nature by others without renouncing the right of nature himself (Lessnoff, 1990: 22).

<sup>89</sup> '[B]efore the names of just, and unjust can have place', Hobbes (1998: 95) tells us, 'there must be some coercive power, to compel men equally to the performance of their covenants'. This is because 'covenants of mutual trust, where there is a fear of not performance on either part ... are invalid' (ibid). In the previous chapter, it was argued that, on the evidence of Hobbes's refutation of the fool, people do not have to fear breach of covenant. But then Hobbes's (ibid: 96) inference that 'the validity of covenants begins not but with the constitution of a civil power' is too radical a conclusion.

applies to situations in which one has made a covenant, that is, an explicit agreement to reciprocate, but also to situations in which one benefits from the actions of others without having made such an agreement. This is apparent from Hobbes's (ibid: 100) fourth law, the law of gratitude, which states that 'a man which receiveth benefit from another of mere grace, endeavour that he which giveth it, have no reasonable cause to repent him of his good will'. What Hobbes is essentially saying here is that whenever we enjoy the benefit of other people's actions, we have an obligation to reciprocate, that is, to act in such a way that the person who benefits us could not wish that he had never benefited us. This idea is stated even more rigorously in *On the Citizen*, where Hobbes (2003: 159) argues that in order for people to be obliged they need to have given their 'personal consent' whereby this consent, 'if it is not explicit, it must at least be implied, as when they accept the benefit of a person's power and laws for protection and preservation of themselves against others'.

What this shows is that Hobbes bases obligations of reciprocity not only on explicit express, but also on tacit acceptance of benefits. In his fourth law of nature, Howard Warrender (1957: 235) has rightly pointed out, 'Hobbes is moving from the principle that promises oblige towards the principle that benefits oblige'.<sup>90</sup> Accordingly, our obligation to reciprocate extends from situations in which we have made a promise – or a covenant, for 'a promise is equivalent to a covenant' (Hobbes, 1998: 90) – to situations in which we accept the benefit of another person's actions. But then obligations of reciprocity must arise in a multitude of circumstances in human life. Justice as reciprocity, for Hobbes, is all but a bounded theory.

Can the same be said for Rawls? In order to answer that question, we have to inquire into the principles of justice that apply to individuals (as opposed to the principles of justice that apply to institutions, which are the two principles of justice). One of these principles is the principle of fairness. It holds that one is required to do one's part as defined by the rules of an institution when, firstly, this institution is just, that is, it satisfies the two principles of justice, and secondly, one has taken advantage of the opportunities it offers to further one's interests (Rawls, 1973: 111-112).<sup>91</sup> What

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<sup>90</sup> Or, in the words of Barry (1989a: 465), Hobbes is moving from justice as fidelity, that is, carrying out one's side of a bargain voluntarily entered into, to justice as requital, that is, making a fair return for benefits received.

<sup>91</sup> A society in which the basic institutions are designed in accordance with the two principles of justice is called a well-ordered society (Rawls, 1973: 453-454). As such a society is an ideal society that does not mirror any society of our present world, we are led to the conclusion that the principle of fairness does not apply in society as we find it. Eager to avoid a conclusion as radical as this, Rawls makes some qualifications: 'By the principle of fairness', he says, 'it is not possible to be bound to unjust

emerges from this principle is that we acquire obligations by our voluntary acts, whereby these acts ‘may be the giving of express or tacit undertakings, such as promises and agreements, but they need not to be, as in the case of accepting benefits’ (ibid: 113). Already in ‘Justice as Fairness’ we read that it is an ‘unfortunate mistake’ of proponents of the idea of a social contract to suppose that political obligation requires ‘a deliberate performative act in the sense of a promise, or contract’ (Rawls, 1999c: 60). Rather, ‘it is sufficient that one has knowingly participated in and accepted the benefits of a practice acknowledged to be fair’ (ibid).

This shows that Rawls has essentially the same account of obligation as Hobbes. The idea that promises oblige, falling under Hobbes’s third law of nature, and the idea that benefits oblige, falling under Hobbes’s fourth law of nature, are brought under a single principle, the principle of fairness.<sup>92</sup> This principle ultimately amounts to an idea of reciprocity: ‘We are not to gain from the cooperative labors of others without doing our fair share’ (Rawls, 1973: 112).<sup>93</sup> Having defined society as a ‘cooperative venture for mutual advantage’ (ibid: 4), we must expect to be bound by obligations of reciprocity in our daily lives. For Rawls, as for Hobbes, justice as reciprocity is all but a bounded theory.

### **The virtue of justice as reciprocity**

At this point, I have to deal with two problems that have been suspended so far. Over the last two chapters, it was shown that the moral theories of Hobbes and Rawls have a lot in common. Yet there are two crucial aspects in which they differ.

The first aspect has to do with the mutually beneficial agreement that is supposed to establish Hobbes’s and Rawls’s moral principles. All that is required for Hobbes’s moral principles, the laws of nature, to be implemented is that people

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institutions, or at least to institutions which exceed the limits of tolerable injustice’, with ‘the limits of tolerable injustice’ not further defined (ibid: 112). At another point, he writes that the institutions in question must be just, and ‘if not perfectly just, at least as just as it is reasonable to expect under circumstances’ (ibid: 343). Again, Rawls makes no attempt to explain what qualifies as a ‘nearly just’ society (ibid). In the end, his claim that the principle of fairness applies only in a well-ordered society is just as implausible as Hobbes’s claim that justice begins only in civil society.

<sup>92</sup> This, in fact, is a point that Rawls (1999c: 61) criticises: ‘Hobbes, ... when invoking the notion of a “tacit covenant,” appeals not to the natural law that promises should be kept [the third law of nature] but to his fourth law of nature, that of gratitude.... While it is not a serious criticism of Hobbes, it would have improved his argument had he appealed to the duty of fair play [the third law of nature]. On his premises he is perfectly entitled to do so’.

<sup>93</sup> By reciprocity, Rawls does not mean what Keohane (1989: 134) calls ‘specific reciprocity’ – an exchange of goods that are of equal value – but rather ‘diffuse reciprocity’ – an exchange of goods that are not wholly equivalent in value. To reciprocate, for Rawls, is to do one’s fair share, with a fair share being determined by the principles of justice that apply to the basic institutions of society.

comply with their agreement made. This is because the terms of the agreement are non-negotiable: each person agrees to transfer his or her right of nature to the Leviathan, which then enforces the pre-given laws of nature. In Rawls, the terms of the agreement are not that clear-cut: given the variety of concepts of what justice requires, there are many possible ways in which the gains from cooperation can be distributed, with Rawls's moral principles, and the difference principle in particular, only being one amongst the many alternatives. Hence, compliance with a mutually beneficial agreement does not automatically trigger Rawls's moral principles.

The second aspect in which Hobbes's and Rawls's moral theories differ concerns the baseline by which people judge the gains they would have under an implementation of the moral principles. Unlike Hobbes, who unfolds his argument from the state of nature in which there is very limited or no cooperation, Rawls starts with society as we find it in which there already exists a considerable amount of cooperation.<sup>94</sup> The problem with this is that people in an ongoing cooperative venture tend to judge the endowments they would have under an arrangement regulated by Rawls's moral principles, and the difference principle in particular, not by the endowments they would have at the point of non-cooperation (as in Hobbes's theory), but by their actual endowments in society. But then it is likely that those currently placed in more fortunate circumstances will not benefit from a move to such an arrangement, even though they would benefit when they judge matters by the point of non-cooperation. As a result, they may resist such a move.

What has to be established, then, is that people would accept an arrangement that is designed in accordance with Rawls's difference principle not only from the point of non-cooperation, but also from their actual place in society.<sup>95</sup> The reason to postpone this task to the present chapter is that Gibbard, a former student of Rawls, believes justice as reciprocity solves both of these problems.<sup>96</sup>

In his article, 'Constructing Justice', Gibbard (1991: 270-271) takes issue with Gauthier's claim that the baseline from which the gains of cooperation are to be calculated is an unequal one. According to Gauthier (1974: 16),

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<sup>94</sup> See footnote 68.

<sup>95</sup> Because Rawls's theory is more complex than Hobbes's theory in this regard, the remainder of this chapter will focus on the former.

<sup>96</sup> On this point, see Barry (2002: 48-49). Barry only refers to Gibbard's (1990) book, *Wise Choices, Apt Feelings*, but not to his article, 'Constructing Justice' (Gibbard, 1991), where Gibbard presents an alternative solution to the first problem.

[t]he persons who make up society differ in their natural endowment, and differences in natural endowment will affect differentially men's ability to secure economic goods for themselves in the condition of general egoism. Hence the 'no agreement point' will provide a different level of well-being to different persons, albeit a low level for everyone.

If this were true, we might infer with Barry (1989a: 186-187) that a bargaining solution would preserve this inequality:

If the reason for adhering to the solution is self-interest ... the solution must first give the parties what they could get at the nonagreement point; but it must then divide the gains that are to be made by moving away from the nonagreement point in a way that leaves them equally satisfied, in a sense of 'equally satisfied' that takes account of bargaining strength.

We would then get a solution that reflects the unequal benefits at the non-cooperation point – a far cry from Rawls's difference principle. But there is no reason to believe that the benefits at the point of non-cooperation would be unequal. 'In truth', Gibbard (1991: 270) says, 'a disagreement point of general egoism would be highly egalitarian'.

In order to see why the baseline from which the gains of cooperation are to be reckoned is likely to be an equal one, suppose that there are two people, one talented and one not so talented. Without any cooperation, both will spend their time living off the land. But then the more talented person has not enough time to develop his or her talent. Now, suppose that the two people start to cooperate. The not so talented person decides to feed the talented person, so that the talented person must no longer feed himself or herself but can use the time to develop his or her talent. The crucial point is that the talented person is able to reap the fruits of his or her talent only because of the cooperation of the not so talented person. As Rawls (1993a: 321) writes, 'persons need one another, since it is only in active cooperation with others that any one's talents can be realized'. Without cooperation both persons are equally bad off. Even Barry (1989a: 253) has to acknowledge that a 'brilliant but severely handicapped person may do very well in a market society but would starve to death if he had to fend for himself'. This shows that our actual endowments in society say little, if anything, about how we would fare at the point of non-cooperation. 'In a world where life is short, nasty, and brutish for all', Gibbard (1991: 270) asks, 'could there be much difference in prospects for misery?'<sup>97</sup>

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<sup>97</sup> On the question of how the non-cooperation point would look like, Rawls remains silent. We can only speculate with Barry (1989a: 248) that 'Rawls apparently assumes it would be pretty awful'.

As Gibbard explicitly invokes Hobbes's description of the state of nature, it might be useful to consider what the English philosopher thought to follow from his egalitarian premises for the division of goods. If an arbitrator, that is, a person who is being trusted to define what is just, performs his trust, Hobbes (1998: 100) writes, 'he is said to distribute to every man his own: and this is indeed just distribution, and may be called (though improperly) distributive justice; but more properly equity'. Equity is Hobbes's eleventh law of nature and requires 'equal distribution to each man' (ibid: 103). What this suggests is that Hobbes, holding people to be roughly equal in the faculties of their bodies and minds, does not believe that any rule other than equality has a prospect of general acceptance in a state of nature (Barry, 1989a: 53).

Now, Rawls (1973: 126-127) holds people to be roughly equal in the faculties of their bodies and minds too.<sup>98</sup> Do we have to conclude with Hobbes that at the point of non-cooperation they would settle on an equal distribution of the gains of cooperation? Yes and no. Rawls does in fact start with an equal distribution, not only of income and wealth, but of all social values.<sup>99</sup> But he does not stop there. According to Rawls (ibid: 78), every person can gain from some degree of inequality because in a more inegalitarian society the better prospects granted to the better endowed act as incentives to increase production. The increased product can then be distributed in ways that improve everyone's position compared to equality (ibid). Inequality, thus conceived, is a necessary evil in that it allows everyone to acquire even greater benefits than under equality. With equality still being the norm, it is not unlikely that people would choose the most egalitarian of all inegalitarian arrangements. But this means to choose the difference principle, for the difference principle, maximizing the position of the least advantaged, does nothing else than to pick the most egalitarian of

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<sup>98</sup> The similarities between Hobbes and Rawls are in fact striking. Consider first Hobbes's (1998: 82) description of people: 'Nature hath made men so equal, in the faculties of the body, and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself'. Now compare this description with Rawls's (1973: 126-127) account of the circumstances of justice (the circumstances that must obtain for questions of justice to arise): '[I]ndividuals are roughly similar in physical and mental powers; or at any rate, their capacities are comparable in that no one among them can dominate the rest. They are vulnerable to attack, and all are subject to having their plans blocked by the united force of others'.

<sup>99</sup> Rawls's (1973: 62) general conception of justice stipulates that '[a]ll social values – liberty [first principle of justice] and opportunity [second part of the second principle of justice], income and wealth [first part of the second principle of justice] ... – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage'. Unlike my reconstruction of the difference principle above, Rawls proposes an equal distribution on moral rather than prudential grounds.

all inegalitarian arrangements.<sup>100</sup> This is why the difference principle, with its notion of reciprocity, is in fact one of the more plausible candidates when deciding over the rules that are to specify the distribution of the cooperative surplus from the point of non-cooperation.<sup>101</sup>

The problem, though, is that people tend to judge their gains under an arrangement that is designed in accordance with Rawls's difference principle, not by the endowments they have at the point of non-cooperation, but by the endowments they have under the actual cooperative scheme. But then it might happen that those currently placed in more fortunate circumstances will not benefit from a move to such an arrangement, even though they would benefit with regard to non-cooperation. As Rawls (2001: 16-17) notes:

Suppose that we transpose people from a society in which property, in good part as a result of fortune and luck, is very unequal into a well-ordered society regulated by the two principles of justice. There is no guarantee that all will gain by the change if they judge matters by their previous attitudes.

This, in effect, is the second problem outlined above. In some cases a move towards an arrangement designed in accordance with the difference principle cannot be reconciled with even the most sophisticated calculation of long-term self-interest.

Can it be reconciled with justice as reciprocity? Gibbard's answer is in the affirmative. What would Gibbard say to those losing from a move to an arrangement regulated by the difference principle? Gibbard (1991: 269), this time invoking Rawls, answers as follows: 'You have what you have only because others constrain themselves, in ways that make for a fair cooperative venture for mutual advantage. Constrain yourself by those rules in return, and you give them fair return for what they give you'. Whether this answer moves a person, Gibbard notes, depends on his or her sentiments of reciprocity (ibid).

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<sup>100</sup> The only difference between Hobbes and Rawls then concerns the question of how to depart from equality. While Rawls proposes the difference principle, Hobbes advocates some mixture of quasi-Marxian and quasi-Lockean principles. The twelfth law of nature reads that 'such things as cannot be divided, be enjoyed in common, ... [f]or otherwise the distribution is unequal, and contrary to equity' (Hobbes, 1998: 103). But as there are things that can neither be divided, nor enjoyed in common, the thirteenth and fourteenth laws specify that these things 'ought to be adjudged to the first possessor; and in some cases to the first born, as acquired by lot' (ibid).

<sup>101</sup> '[T]he difference principle includes an idea of reciprocity', Rawls (2001: 76-77) explains, because 'the better endowed ... are encouraged to acquire still further benefits ... on condition that they train their native endowments and use them in ways that contribute to the good of the less endowed'. Strictly speaking, even the idea of equality (e.g. the equality of basic liberties) articulates an idea of reciprocity, for the 'criterion of reciprocity is normally violated whenever basic liberties are denied' (Rawls, 1999a: 138). Hence, we can say that 'the two principles of justice ... formulate an idea of reciprocity' (Rawls, 1993a: 17).



To exemplify the point, consider once again the example of the talented and not so talented person. As it was said above, the talented person is able to develop his or her talent only because of the cooperation of the not so talented person. If the talented person is solely moved by his or her self-interest, he or she might keep the fruits of his or her talent for himself or herself. However, if the talented person is moved by considerations of reciprocity, he or she is likely to recognize that he or she has what he or she has only because of the not so talented person's help. But then it is only fair to share the cooperative surplus.

What this shows is that justice as reciprocity can solve both our problems: people that are moved by justice as reciprocity are likely to accept an arrangement that is designed in accordance with Rawls's difference principle both from the point of non-cooperation and from their actual place in society. But what this also shows is that the dictates of reciprocity and self-interest do not always coincide. Do we have to acknowledge, at last, that justice as reciprocity exceeds our motivational capacities?

### **The motivational basis of justice as reciprocity**

In the preface to his most recent work, *The Idea of Justice*, Sen (2009: ix) reminds us of the fact that a

theory of justice that can serve as the basis of practical reasoning must include ways of judging how to reduce injustice and advance justice, rather than aiming only at the characterization of perfectly just societies – an exercise that is such a dominant feature of many theories of justice in political philosophy today.

Having shown that Hobbes and Rawls jointly advance a theory of justice as reciprocity, we have yet to determine whether people can be expected to act in accordance with its demands. Is justice as reciprocity just another theory that prescribes a perfectly just but unattainable society, or can it connect with the motivations of people in our actual world?

Here it is useful to consider Allen Buchanan's (1990) distinction between justice as self-interested reciprocity and justice as fair reciprocity. On the self-interested version of reciprocity, one answers in kind because it is in one's (long-term) self-interest to do so. In the last chapter, I identified the exclusion argument and the weakening argument as two possible explanations. Another explanation is that one returns favour for favour as a means to keep the favours rolling. In a number of experiments, Robert Axelrod (1990; 1997) has shown that in an iterated prisoner's

dilemma with no pre-determined end point a ‘tit-for-tat’ strategy – a strategy to do whatever the other player did on the previous move – can yield great gains. It is only on the last move that ‘tit-for-tat’ can draw no payoff. To return favour for favour on a last move would be an example of justice as fair reciprocity. On this version of reciprocity, one answers in kind even if the other has no further power to affect one. In contrast to justice as self-interested reciprocity, justice as fair reciprocity does not, or at least need not attempt to, found justice on rationality as individual utility-maximization (Buchanan, 1990: 229-230). Instead, it is based on a motivation to act fairly.<sup>102</sup>

We do not have to go into much detail to see that Hobbes rests his account on justice as self-interested reciprocity. His reply to the fool is a clear manifestation that the only reason for us not to break our covenants is the realization that observance of covenant is the more effective way of preserving our lives. Reciprocity, for Hobbes, is self-interested reciprocity. Rawls, too, makes concessions to justice as self-interested reciprocity. His franchiser analogy is a case in point. Rawls thinks that we observe the terms and conditions we have contracted to out of a sense that this yields greater profits in the long run. But contrary to Hobbes, he admits that not all advantages we forgo in the name of reciprocity may be recouped in the long run, at least when we judge matters by our actual place in society. What Rawls needs is an additional motivational basis for us to act on the demands of reciprocity – a motivation to act fairly.

At the time he wrote ‘Justice as Fairness’, Rawls (1999c [1958]) had no explanation for why people would be motivated in this way. All he could say was that the ‘recognition of one another as persons with similar interests and capacities engaged in a common practice must, failing a special explanation, show itself in the acceptance of the principles of justice and the acknowledgement of the duty of fair play’ (ibid: 63). It is only in *A Theory of Justice* that Rawls provides an explanation for how

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<sup>102</sup> It might be argued that the distinction between justice as self-interested reciprocity and justice as fair reciprocity merely parallels the distinction between justice as mutual advantage and justice as impartiality, which takes us back to Barry’s original dual conception. We can see that this is not the case when we call to mind that justice as self-interested reciprocity is different from justice as mutual advantage in that it has the structure of an assurance game rather than that of a non-iterated prisoner’s dilemma, and that justice as fair reciprocity is different from justice as impartiality in that it applies only in a context of reciprocity rather than in any given context. To see the fundamental difference between justice as reciprocity and justice as impartiality, suppose that there are two countries that, while producing independently – in fact, there exist no interdependencies whatsoever – exhibit different levels of welfare. While under justice as impartiality the better-off country would be required to share with the worse-off country, under justice as reciprocity, both on its self-interested and fair variant, there would arise no such a requirement (Barry, 1989a: 238-239; Gibbard, 1991: 269).

justice as fair reciprocity can generate its own support. As Barry (1995b: 883) and Freeman (2003: 280) have pointed out, he actually provides two such explanations, one in chapter eight and one in chapter nine. The explanation given in chapter nine, sketched in chapter 2 of this work, is the Kantian explanation, which holds that people have an executive and highest-order desire to act justly. As it was shown there, such a desire is only effective in the ideal of a well-ordered society. Less popular is the explanation given in chapter eight, which is based on our moral psychology. Central to this explanation are what Rawls (1973: 490-491) calls the three laws of moral psychology:

First law: given that family institutions are just, and that the parents love the child and manifestly express their love by caring for his good, then the child, recognizing their evident love of him, comes to love them.

Second law: given that a person's capacity for fellow feeling has been realized by acquiring attachments in accordance with the first law, and given that a social arrangement is just and publicly known by all to be just, then this person develops ties of friendly feeling and trust toward others in the association as they with evident intention comply with their duties and obligations, and live up to the ideals of their station.

Third law: given that a person's capacity for fellow feeling has been realized by his forming attachments in accordance with the first two laws, and given that a society's institutions are just and are publicly known by all to be just, then this person acquires the corresponding sense of justice as he recognizes that he and those for whom he cares are the beneficiaries of these arrangements.

Rawls's outline of the gradual development of a sense of justice is remarkable in that it bears witness to the central role reciprocity plays in his theory. Each of the three psychological laws postulates a disposition to respond in kind. With each stage this disposition broadens in scope: from our early natural attachment to people that care for us, to our allegiance to institutions that operate for our good.<sup>103</sup> It is not that our sense of justice arises out of a desire to act for the general good, but from the manifest intention of others to act for our good: 'Because we recognize that they wish us well, we care for their well-being in return' (ibid: 494). Our tendency to reciprocate, then, is more than just a motivation; it is, Rawls (ibid) writes, a 'deep psychological fact'.

We can already see that Rawls has an eye on the practicability of his theory. Because justice as fair reciprocity 'is more in line with our moral psychology', it is

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<sup>103</sup> Rawls (1973: 570-571) assumes that all three psychological laws are fully effective only in a well-ordered society. In society as we find it, our feeling of fellowship tends to be limited to those covered by the first two laws. However, as we cannot in general select who is to be injured by our unfairness – if we cheat on paying our taxes everyone is hurt; our family, friends and associates along with the rest – we have good grounds to 'welcome new and broader social ties' (ibid: 571).

likely to have greater stability than traditional alternatives that, when worked into an account of human motivation, presuppose a capacity for sympathy (ibid: 456). The alternatives Rawls is referring to are Hume's conception of benevolence, Adam Smith's impartial spectator and Jeremy Bentham's utilitarianism (ibid: 183-192). Especially the latter, by 'appealing straightaway to the capacity for sympathy as a foundation of just conduct in the absence of reciprocity ... depends upon weaker and less common inclinations' (ibid: 501).<sup>104</sup> While it would be wrong to deny the existence of altruistic inclinations altogether, 'they are likely to be less strong than those brought about by the three psychological laws formulated as reciprocity principles' (ibid: 500).

Note that it is precisely because of their reciprocal nature that the laws of psychology connect with Rawls's principles of justice (which, as shown above, are also formulated as reciprocity principles). Because both our moral psychology and the difference principle contain an element of reciprocity, Rawls (2001: 126) believes that we have strong reason to accept it, or at least more than we have to accept the utility principle:

[A]s a principle of reciprocity, the difference principle rests on our disposition to respond in kind to what others do for (or to) us; while the utility principle puts more weight on what is a considerably weaker disposition, that of sympathy, or better, our capacity for identification with the interests and concerns of others. (Ibid: 127)<sup>105</sup>

This clearly shows that Rawls is anxious not to exceed our moral capacities. In fact, he assumes just as much moral capacity as is necessary for us to act on the two principles of justice. The fate of altruism, then, is not only that it appeals to inclinations rarely found; it also goes 'beyond the moral requirements' (Rawls, 1973: 476). The love of mankind, Rawls says, is 'supererogatory' (ibid). All that is required to explain adherence to the basic institutions of society that are designed in accordance with the two principles of justice are two concepts that figure prominently in the fields of

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<sup>104</sup> The utilitarian has to stress a person's capacity for sympathy because he allows the individual good to be subordinated to the general good. Unless the individual whose good is sacrificed for the greater good identifies with the greater sum of satisfaction, the utilitarian conception of justice is threatened with instability (Rawls, 1973: 178).

<sup>105</sup> Consider also the point of view of the parties in the original position: 'Looking at the question from the standpoint of the original position, the parties recognize that it would be highly unwise if not irrational to choose principles which may have consequences so extreme that they could not accept them in practice. They would reject the principle of utility and adopt the more realistic idea of designing the social order on a principle of reciprocal advantage' (Rawls, 1973: 178).

rational choice theory and social psychology, namely justice as self-interested reciprocity and justice as fair reciprocity.<sup>106</sup>

Rawls's move from ideal theory to non-ideal theory, then, consists of essentially two steps: in a first step, outlined in the first section of this chapter, he extracts from the ill-defined and morally-loaded term, 'the reasonable', only its reciprocity component. All that the reasonable demands is a willingness to propose and honour fair terms of social cooperation, given the assurance that others will likewise do so. In a second step, outlined in this section, he shows that the tendency to reciprocate is likely to be in our long-term interest and, in any case, a deep psychological fact. By demonstrating that justice as reciprocity connects with the interest and nature of ordinary people, Rawls is able to transform his argument for the principles of justice into our present world. Although there might be still something to Sen's (2009: 69) accusation that 'Rawls's approach ... does involve a formulaic and drastic simplification of a huge and multi-faceted task – that of combining the operation of the principles of justice with the actual behaviour of people', we can see 'that the Rawlsian approach already delivers much of what Sen himself wants from a theory of justice' (Valentini, 2011b: 297).

### *Summary*

This chapter has tried to situate Hobbes and Rawls within Barry's three traditions of formal justice. It could be shown that the two philosophers adhere to one and the same tradition, justice as reciprocity, which lies between justice as mutual advantage and justice as impartiality. While both Hobbes and Rawls embrace justice as self-interested reciprocity, the latter recognizes that whilst it is generally in our self-interest to reciprocate, when judging matters by our current place in society, this must no longer be the case. Rawls therefore postulates a motivation to behave fairly, which is in line with our moral psychology (not to be mistaken for our highest-order desire to act from certain principles of justice, which is effective only in the ideal of a well-ordered society). It is these qualities that make Hobbes's and Rawls's political theories suitable for extension to the international level.

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<sup>106</sup> '[R]ational self-interest and a sense of reciprocity or fair play', Kavka (1986: 310) notes, are 'two of the most ubiquitous and reliable of human motivations'. Principles that build on these motivations 'are therefore much less likely to enmesh moral theory in problems concerning motivation than are principles requiring unilateral action or impartial concern for the welfare of all' (ibid).

## **PART II: From the Domestic to the International Sphere**

#### 4. The Domestic Analogy in the Political Theories of Hobbes and Rawls

This chapter looks at how Hobbes and Rawls believe their political theories of order and justice to translate into the international context. Central to this analysis is the concept of the domestic analogy.<sup>107</sup> As noted in the introductory chapter, an analogy that is drawn between domestic and international phenomena is weak when there is little similarity between the two phenomena and strong when there is great similarity between the two phenomena. Assuming that there exists a certain threshold of similarities below which the analogy has no sufficient basis and above which the analogy is well grounded, it is possible to distinguish between three broad cases. In the first case, there are no or not enough similarities between domestic and international phenomena. In this case, the analogy is void. In the second case, domestic and international phenomena are similar enough in some aspects, but not similar enough in other aspects. In this case, the analogy is only partial. Lastly, there is the case where domestic and international phenomena are similar enough in all relevant aspects. In this case, the analogy is complete.<sup>108</sup> In order to better understand the differences between the three cases, I will sketch in the abstract a void, partial and complete analogy with regard to the political theories of Hobbes and Rawls.

In simplified terms, Hobbes's basic tenet with respect to the domestic sphere is that 1a) because of anarchy, 1b) the state of nature is a state of war, and that 2a) because this state of war is intolerable, 2b) the parties submit to a common authority. Now, if proposition 1a) does not hold true for the international sphere, that is, if the international sphere does not resemble the domestic sphere in that it is characterized by anarchy, propositions 1b), 2a) and 2b) have no sufficient basis. In this case, the analogy would be void. However, if proposition 1a) holds true for the international sphere, that is, if the international sphere resembles the domestic sphere in that it is characterized by anarchy, we can reason by analogy that proposition 1b) also holds true for the international sphere. But it may be the case that proposition 2a) does not hold true for the international sphere, that is, the international state of war does not

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<sup>107</sup> Recall that my usage of the term 'domestic' reflects the usage in the literature on the domestic analogy. This literature tends to treat 'domestic' not as the opposite of 'state of nature', but, more generally, as the opposite of 'international'. Accordingly, the domestic analogy will refer to both the analogy from domestic society to international relations and the analogy from the state of nature to international relations.

<sup>108</sup> The term 'complete' is borrowed from Beitz (1979: 128), who claims that Rawls's extension of his theory of justice to the international level is 'incomplete in important respects'. Alternatively, we might speak of a successful analogy.

resemble the domestic state of war in that it is intolerable, as a result of which proposition 2b) has no sufficient basis. The analogy would then be only partial. Lastly, if propositions 1a), 1b) and 2a) hold true for the international sphere, that is, if the international sphere resembles the domestic sphere in that it is characterized by an intolerable state of war, we can reason by analogy that proposition 2b) also holds true for the international sphere. In this case, the analogy would be complete.

Rawls's basic tenet with respect to the domestic sphere, to simplify a bit, is that 1a) because of injustice, 1b) we need the device of an original position to determine principles of justice, and that 2a) because the parties to the original position are economically dependent on each other, 2b) they come up with principles of distributive justice that entail mechanisms for redistribution. Again, if proposition 1a) does not hold true for the international sphere, that is, if the international sphere does not resemble the domestic sphere in that it is characterized by injustice, propositions 1b), 2a) and 2b) have no sufficient basis. In this case, the analogy would be void. However, if proposition 1a) holds true for the international sphere, that is, if the international sphere resembles the domestic sphere in that it is characterized by injustice, we can reason by analogy that proposition 1b) also holds true for the international sphere. But it may be the case that proposition 2a) does not hold true for the international sphere, that is, the parties to the international original position do not resemble the parties to the domestic original position in that they are economically dependent on each other, as a result of which proposition 2b) has no sufficient basis. The analogy would then be only partial. Lastly, if propositions 1a), 1b) and 2a) hold true for the international sphere, that is, if the international sphere resembles the domestic sphere in that economically dependent parties to an original position are to choose principles of justice, we can reason by analogy that proposition 2b) also holds true for the international sphere. In this case, the analogy would be complete.

What I have sketched in the last two paragraphs was a simplified theoretical image of the main parameters that an international application of Hobbes's and Rawls's political theories would imply. This should serve as a guide for evaluating other attempts (including those of Hobbes and Rawls) to translate Hobbes's and Rawls's political theories into the international context (part II), as well as for tracing my own translation of Hobbes's and Rawls's political theories into international reality (part III). Against the multitude of writers who recognize only a partial form of the domestic analogy, I will make the case for a complete form of the domestic analogy.



## **The domestic analogy in Hobbes**

In part I of this work, it was shown that Hobbes depicts the state of nature – the initial situation in which people find themselves in a condition of anarchy – as a state of war. Hobbes’s solution to this war of every man against every man is the Leviathan, which, by keeping all people in awe, provides for their security. But the creation of a sovereign not only gives rise to relatively harmonious relations within the state; it also means that sovereign states now stand to one another in a similar way as Hobbes believes people to stand to one another in the state of nature: by creating an internal sphere of hierarchy, the sovereign brings about an external sphere of anarchy. Must we infer from this that sovereign states are in a state of war, too?

Describing the state of nature as a condition of war of all against all, and forestalling the argument that such a condition never existed, Hobbes (1998: 85) points to international relations as exemplifying it:

But though there had never been any time wherein particular men were in a condition of war one against another, yet in all times kings and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators, having their weapons pointing, and their eyes fixed on one another; that is, their forts, garrisons, and guns upon the frontiers of their kingdoms, and continual spies upon their neighbours, which is a posture of war.

Note that it is precisely ‘because of their independency’ that states are believed to be in a state of war. But it looks as if Hobbes does not want to take the domestic analogy further to suggest that states must themselves be driven towards some kind of global Leviathan, for the passage continues: ‘But because they [states] uphold thereby [by their posture of war], the industry of their subjects; there does not follow from it, that misery, which accompanies the liberty of particular men’ (ibid).

What Hobbes means by ‘industry’ is evident from an earlier passage where he argues that in the state of nature

there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that might be imported by sea; no commodious building, no instruments of moving, and removing such things that require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death. (Ibid: 84)

Accordingly, when Hobbes says that states are able to uphold the industry of their subjects, he means that culture can thrive, that science can flourish, that commerce can

prosper and that individuals can live in relative safety.<sup>109</sup> While a person's life in the state of nature is 'solitary, poor, nasty, brutish, and short' (ibid), individuals within states achieve a certain level of welfare and security. This explains why the idea of a contract among states never occurred to Hobbes. Although he conceives of international relations on the analogy with a state of nature, he does not think that the international state of nature is so desperate that states, like people in the interpersonal state of nature, have a sufficient motive to submit to a common authority.

As Hobbes himself did not address this issue any further, it was left to his disciples to refine his idea.<sup>110</sup> Samuel von Pufendorf picks up the thought of his mentor when he remarks that the international state of nature 'lacks those inconveniences which are attendant upon a pure state of nature' (cited in Wight, 1966: 31), and Baruch de Spinoza, another student of Hobbes, notices that 'individuals, to survive, must combine; states, by their very constitution, are not subject to a similar necessity' (cited in Waltz, 1959: 162). A clearer exposition of this view can be found within the work of Emmerich de Vattel (1844: Preface), who writes that

individuals are so constituted that they could accomplish but little by themselves and could scarcely get on without the assistance of civil society and its law. But as soon as a sufficient number have united under a government, they are able to provide for most of their needs, and they find the help of other political societies not so necessary to them as the state itself is to individuals.<sup>111</sup>

Because states, unlike people, are essentially self-sufficient in the commodities they need, Vattel (ibid) concludes, 'there is by no means the same necessity for a civil society among nations as among individuals'. Yet we cannot rest too much weight on

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<sup>109</sup> Some analysts have suggested that it is exactly because of their warfare that states are able to promote the industry of their citizens. Wight (1966: 31), for example, points to the fact that competition in armaments helps to secure full employment. A similar argument is made by Bottici (2009: 47).

<sup>110</sup> In what follows, I do not claim to provide an overview of all attempts that have been made to show that anarchy among states is more bearable than anarchy among individuals, but rather point to those arguments that seem to come closest to Hobbes's position. For a general account of why international relations cannot be conceptualized as an international state of nature, see Beitz (1979), Forsyth (1979), Heller (1980), Vincent (1981), Navari (1982), Kavka (1987), Boucher (1990) and Williams (1996). Some of these writers are quite explicit that they do not engage with Hobbes's reasons for rejecting an international version of the Leviathan. Vincent (1981: 91), for example, makes clear from the outset that he 'does not seek to contribute to any debate about what Hobbes said, or meant by what he said'. Equally, Williams (1996: 215) writes that he 'seeks not to critically evaluate Hobbes's vision of international relations but to present an alternative understanding of that vision'.

<sup>111</sup> Consider also Hegel (2002: 472), who thinks that individuals 'are mutually interdependent in innumerable respects, whereas independent states are primarily wholes which can satisfy their own needs internally'. For Rousseau (2002: 419), writing a little earlier in the modern period, just the opposite holds true: 'Let us consider closely the formation of political bodies, and we will find that, although each of them has, if need be, enough for its own preservation, their mutual relations are none the less far more intimate than those of individuals. For basically man has no necessary connection with his fellow men; he can maintain his full strength without their help; his need is not so much for men's care as for the earth's produce; and the earth produces more than enough to feed its inhabitants'.

the self-sufficiency of states, for Hobbes (1998: 164) was quite explicit that ‘there is no territory under the domination of one commonwealth, (except it be of very vast extent,) that produceth all things needful for the maintenance, and motion of the whole body’.

Either way, the welfare dimension seems to play only a secondary role in Hobbes’s justification of the Leviathan and hence in his refutation of an international Leviathan. While it is true that Hobbes (1998: 86), in his account of the passions that incline people to peace, includes both a ‘desire of such things as are necessary to commodious living’ and a ‘fear of death’, there is little doubt that the latter is the decisive force behind the establishment of the Leviathan. As David Williams (2005: 11) notes, fear of death transcends all other considerations, as it would be foolish to pursue anything other than self-preservation as long as fear is a dominant theme. In fact, in his earlier work, *On the Citizen*, Hobbes (2003: 6) not only identifies fear of violent death as the sole passion driving people to peace; there he also speaks of violent death as the ‘supreme evil in human nature’. Thus, it seems that not ‘desire of such things as are necessary to commodious living’, but ‘fear of death’, and the consequent desire to avert it, is the prime motive for people to transfer their right of nature to the Leviathan (Malcolm, 2002: 448).

But then there is a ‘deeper problem’ about the analogy, which is that states are not vulnerable to violent attack to the same degree that individual people are (Bull, 1977: 733). While violent attack on the individual, if it results in death, has a certain finality, for the state, even if it has experienced catastrophe, there is still another day. Hence, it is possible to take Carl von Clausewitz’s view that war is never absolute in its results, and that defeat in it is a passing evil that can be remedied (ibid: 734). Another fact that renders international violence different from interpersonal violence, Bull suggests, is that an individual’s death may be brought about suddenly, in a single act (ibid). In contrast, violence among states does not pose a comparable danger. Here again, it is illuminating to take a look at Clausewitz, who thought that war never takes the form of a single, instantaneous blow, but always that of a succession of separate actions, each providing an opportunity for reconsideration (ibid). But when states are not vulnerable to being killed, they cannot fear violent death. As a result, they lack the prime motive that drives individual people towards a common authority. And even if we assume that states are vulnerable to being killed – indeed, in *The Anarchical Society*, Bull (1995: 274) acknowledges that wars have occasionally resulted ‘in the

extinction of whole societies'<sup>112</sup> – they are not vulnerable to an equal degree (Bull, 1977: 734).

This stands in clear contrast to Hobbes's (1998: 82) depiction of the state of nature as a condition of equality among all people. While Hobbes does not deny that there are differences in the physical or mental abilities among people – he admits that in the state of nature there may 'be found one man sometimes manifestly stronger in body, or of quicker mind than another' (ibid) – he thinks that even a person who is naturally much stronger than another person is equal with respect to his or her ability to preserve his or her life: 'For as the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others' (ibid).<sup>113</sup> As Spinoza (1958: 293) subsequently pointed out, even the strongest is subject to sleep, disease and aging, and therefore can never be secure. It is because of this equal capacity to harm one another, resulting in equality of fear, that *all* people have an incentive to opt out of the state of nature.

The problem Bull (1977: 734-735) sees with the application of this line of argument to international relations is that the equality that defines Hobbes's state of nature is not present in international relations. Whereas individual people are overcome by sleep, afflicted by disease and finally prostrated by old age, states can provide themselves with a means of defence that exists independently of the frailties of any one of its members. While some citizens sleep, others are on guard. As a result, the state that is naturally weak has not strength enough to inflict harm on the naturally strong. Because great powers are secure against the attacks of small powers, they do not fear violent death and hence do not stand in need of the protection of a common authority. As Bottici (2009: 7) notes, 'the analogy between an international and individual state of nature is interrupted at the point where the basic mechanism of political obligation comes into action: the equal distribution of the fear of violent death'.

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<sup>112</sup> From this statement it appears that Bull equates the state with its population. In this case, death of a state has in fact been a rare event throughout history. However, if we equate the state with its territory or its ruler – the other two classical pillars of the state – the state has quite often been subject to extinction. One only has to remember the partitions of Poland at the end of the eighteenth century to find cases in which a state's territory has been seized. If the state is put on a level with its ruler, the possibility of a state's death is even more evident. In part III, where I inquire into the vulnerability of states, I follow Bull and equate the state with its population.

<sup>113</sup> In terms of the faculties of the mind, Hobbes (1998: 82) finds an even greater equality among people: 'For prudence, is but experience; which equal time equally bestows on all men, in those things they equally apply themselves unto'.

Summing up, this section has identified three arguments for why the consequences of anarchy are less devastating for states than for individuals, all of which can be traced back to Hobbes's qualification that the international state of nature is less miserable than the interpersonal one. While Vattel, focusing on the welfare dimension, highlights that states, unlike people, enjoy a certain degree of self-sufficiency (henceforth, 'self-sufficiency thesis'), Bull, concentrating on the security dimension, emphasizes that states are not as vulnerable (henceforth, 'invulnerability thesis') and equal (henceforth, 'inequality thesis') as people in Hobbes's state of nature. Because the costs of international anarchy are not as severe as the costs of interpersonal anarchy, these writers claim, the logic of the Leviathan cannot be extended to the international level. In part III, this claim will be tested on empirical ground.

### **The domestic analogy in Rawls**

In part I, it was shown that Rawls uses the concept of the original position to determine the principles of justice that apply to the basic institutions of society. Unaware of their future position, Rawls believes that the parties to the original position will choose a first principle of political justice that takes each person to have an equal right to the most extensive basic liberty compatible with a similar liberty for others, and a second principle of economic justice that stresses fair equality of opportunity and that inequalities of income and wealth are to be arranged that they are to the greatest benefit of the least advantaged. Yet a concept of right is not complete, says Rawls (1973: 108-109), unless it also considers principles of justice for states.

Because both the domestic realm and the international realm stand in need of principles of justice, Rawls considers them to be similar enough as to 'extend the interpretation of the original position and think of the parties as representatives of different nations who must choose together the fundamental principles to adjudicate conflicting claims among states' (ibid: 378). As in the domestic original position, Rawls imagines the parties to the international original position to be deprived of various kinds of information. They do not know the particular circumstances of the society they represent, nor its strength in comparison with other societies. In fact, they are allowed only enough knowledge to make a rational choice (ibid). This makes the structure of the argument for the principles of justice that apply to states directly analogous to the structure of the argument for the principles of justice that apply to the

basic institutions of society. What is not directly analogous are the principles themselves.

A first indication that the principles that are chosen in the international original position are not fully equivalent to the principles that are chosen in the domestic original position is that the former principles – the principle that states have certain fundamental equal rights, the principle of self-determination, the principle of self-defense and the principle that treaties are to be kept – are ‘political principles’ (ibid), whereas the latter principles are both political and economic in nature. Rawls seems to believe that representatives of states would accept an international analogue to the first principle of justice, which concerns political justice, but no analogue to the second principle of justice, which concerns economic justice.

For the next twenty years, Rawls resisted further exploration of the international implications of his theory. It was only in 1993 that he turned his attention to the question of international justice. In an essay called ‘The Law of Peoples’, Rawls (1993b) takes up the idea of an international original position, but in contrast to his earlier writing, he now grants representation in this position only to societies that have a decent or liberal institutional order. This is more in line with the procedure to be found in Hobbes: just as Hobbes, in his account of international relations, considers only those entities that have entered into his version of the social contract (i.e. those that are governed by a common authority), Rawls considers only those entities that have entered into, or at least come close to, his version of the social contract (i.e. those that are regulated by the two principles of justice).<sup>114</sup> To signify this, Rawls uses the term peoples, which he contrasts with states (Moellendorf, 2002: 9).

Apart from granting representation in the international original position only to certain parties, there is nothing relevantly different between how justice is worked out for the domestic case and how it is worked out for the international case (Rawls, 1993b: 42, 67). In light of this, it is all the more astonishing that there is no international principle that corresponds to the principle of economic justice, as is evident from the list of principles that Rawls (ibid: 55) believes would be chosen in the international original position:

1. Peoples (as organized by their governments) are free and independent and their freedom and independence is to be respected by other peoples.

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<sup>114</sup> While Rawls does not believe that a society can be perfectly well-ordered, that is, perfectly regulated by the two principles of justice, he thinks that decent and, in particular, liberal societies approximate that ideal.

2. Peoples are equal and parties to their own agreements.
3. Peoples have the right to self-defense but no right to war.
4. Peoples are to observe a duty of nonintervention.
5. Peoples are to observe treaties and undertakings.
6. Peoples are to observe certain specified restrictions on the conduct of war (assumed to be in self-defense).
7. Peoples are to honor human rights.

Although this list is more comprehensive than the one presented in *A Theory of Justice*, there is still no international analogue to the second principle of justice.

Rawls's (1999a: 37) fullest and final portrayal of international justice is to be found in his 1999 book, *The Law of Peoples*, where, in addition to the seven principles outlined in his essay of the same title, he includes an eighth principle, which specifies that

8. Peoples have a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime.

But to conclude that this principle is analogous to the principle of economic justice would be premature. For even though it might accomplish some results that an international version of the difference principle would also accomplish, there is no requirement under the duty of assistance to reduce inequalities once societies have attained just or decent institutions.<sup>115</sup> As in his previous writings, there is no international counterpart to the second principle of justice.

On what grounds, then, does Rawls reject a principle of international distributive justice? Given the numerous attempts that have been made to explain Rawls's resistance to an international redistribution principle, it might be helpful to begin with the grounds on which Rawls does *not* resist such a principle.<sup>116</sup> Freeman (2006; 2007), for example, has suggested that Rawls objects to international distributive justice because it is dependent upon an underlying coercive structure. But Rawls never suggests that the existing international institutions are inadequate to carry out the demands of an international redistribution principle. On the contrary, he seems to be confident that they can carry out the demands of his duty of assistance. Rawls therefore cannot be said to accept the absence of a world state as an argument against international distributive justice.

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<sup>115</sup> For a discussion of the structural differences between the duty of assistance and an international difference principle, see Beitz (2000: 688-694) and Hinsch (2001: 62-66). Hinsch argues that, rather than the difference principle, the duty of assistance parallels one of our natural duties, the duty of justice. The duty of justice will be sketched in the chapter 5.

<sup>116</sup> The following discussion owes much to Wenar (2001; 2002; 2006).

Recall from chapter 2 that Rawls seeks to ensure compliance not so much through mechanisms of legal enforcement than through a sense of justice. One might therefore argue with Miller (1998; 2006) that Rawls's opposition to a principle of international distributive justice stems from his view that the moral bonds between citizens of different countries cannot be as strong as those among citizens of the same country. While Rawls (1999a: 112) acknowledges that 'the affinity among peoples is naturally weaker', to make plausible his duty of assistance, he has to argue that 'relations of affinity are not a fixed thing' that may not 'continually grow stronger over time'. Just as in the domestic case there is a psychological process by which people develop a sense of justice as they take part in domestic institutions that operate for their good, Rawls (ibid: 44) believes that in the international case there is a 'parallel process' by which peoples develop a sense of justice as they come to work together in international institutions that operate for their good. Hence, the 'relatively narrow circle of mutually caring peoples in the world today may expand over time and must never be viewed as fixed' (ibid: 113). Rawls's resistance to an international redistribution principle, then, does not spring from a lack of trust in a people's capacity for fellow feeling.

Another suggestion for why Rawls's law of peoples does not include principles of distributive justice has been made by Pogge (1994). According to him, Rawls rejects international egalitarian principles on the ground that they are inherently liberal principles and therefore unacceptable to illiberal peoples. Indeed, in his essay, 'The Law of Peoples', Rawls (1993b: 75) notes that 'there are various kinds of societies in the society of peoples and not all of them can be reasonably expected to accept any particular liberal principle of distributive justice'. However, in *The Law of Peoples*, Rawls makes clear that he would object to international egalitarianism even for a world populated only by liberal peoples (Wenar, 2006: 99). What is more, Rawls's argument that not all societies can be expected to conform to liberal principles fits uneasily with his domestic theory where he requires groups to comply with liberal principles, even though they may follow a different conception of justice (Miller, 2006: 193). If Rawls were to adhere to this argument, this would have unwelcome consequences for his domestic theory: '[W]hy should non-liberal (yet decent) minorities living *within* liberal borders be governed by liberal principles', Barry and Valentini ask, 'when it is legitimate for decent peoples *outside* liberal borders to disregard them?' (Barry, 2009: 507; italics in original).



A similar tension between his domestic and international theory can be found in Rawls's rationale for rejecting Beitz's proposal for a global distribution principle (which amounts to a global difference principle). For Rawls (1999a: 117), a global difference principle is unacceptable because it applies without a target. But this leads to the question of why Rawls finds the difference principle acceptable at the domestic level where it also has no such (comparable) target.<sup>117</sup> As Leif Wenar (2006: 98) notes: 'If Beitz's globalized difference principle is flawed because it lacks a target and a cut-off, then one would think that Rawls's own domestic difference principle would be flawed for the same reason'.

But Rawls (1999a: 117-118) feels that matters are somehow different at the international level. He invites us to imagine two cases, the first in which one society decides to increase its rate of savings and another society prefers a leisurely life, and the second in which one society adopts measures to curb population growth and another society chooses not to do so. Some decades later, as it turns out, the first society in each case is twice as wealthy as the second. Rawls's point is that a global difference principle would unfairly punish the more prosperous society for the spendthrift life and mistaken choices of the less prosperous society. He finds it 'unacceptable' for a society to bear the costs of decisions made by another society (ibid: 118). Leaving aside the problem that these decisions do not always reflect the will of the people (Beitz, 1999b: 526-528; Cabrera, 2001; 2004: 48-50), this could be a powerful refutation of a global difference principle, would it not also disqualify Rawls's domestic difference principle (Pogge, 2002: 105-106; Moellendorf, 2002: 70; Barry, 2009: 501-502). Indeed, Rawls's two illustrative cases are almost directly analogous to a thought experiment that Robert Nozick (1974: 170) once offered to refute Rawls's domestic difference principle.<sup>118</sup> What this shows is that many

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<sup>117</sup> The target Rawls (1999a: 119) has in mind is that of raising 'the world's poor until they are either free and equal citizens of a reasonably liberal society or members of a decent hierarchical society'. Of course, the difference principle, both in its domestic and global form, does have a target, which is to maximize the position of the least advantaged.

<sup>118</sup> 'The man who chooses to work longer to gain an income more than sufficient for his basic needs prefers some extra goods or services to the leisure and activities he could perform during the possible nonworking hours; whereas the man who chooses not to work the extra time prefers the leisure activities to the extra goods or services he could acquire by working more. Given this, if it would be illegitimate for a tax system to seize some of a man's leisure (forced labor) for the purpose of serving the needy, how can it be legitimate for a tax system to seize some of a man's goods for that purpose? Why should we treat the man whose happiness requires certain material goods or services differently from the man whose preferences and desires make such goods unnecessary for his happiness? Why should the man who prefers seeing a movie (and who has to earn money for a ticket) be open to the required call to aid the needy, while the person who prefers looking at a sunset (and hence need earn no extra money) is not? Indeed, isn't it surprising that redistributionists choose to ignore the man whose pleasures are so easily attainable without extra labor, while adding yet another burden to the poor unfortunate who must

objections Rawls makes to international distributive justice simply boomerang as objections to his domestic theory of justice (Wenar, 2006: 99).<sup>119</sup>

The last few paragraphs have scrutinized a number of attempts to explain Rawls's resistance to an international redistribution principle. While the arguments that such a principle is defective because of the absence of a world state, the lack of affinity and the fact of pluralism could be refuted with reference to Rawls's international theory, the arguments that the difference principle should not apply internationally because it lacks a target and externalizes the costs of other societies' decisions have been shown to be at odds with Rawls's domestic theory. What has to be presented, then, is an argument against international distributive justice that bears up against both Rawls's international and domestic theory.

A recurring assumption in Rawls's domestic *and* international theory is that of a society's self-sufficiency. In *A Theory of Justice*, Rawls pictures society as a 'self-contained' (Rawls, 1973: 457) and 'closed system isolated from other societies' (ibid: 8), and in *Political Liberalism*, 'society is viewed not only as closed ... but as a more or less complete and self-sufficient scheme of cooperation, making room within itself for all the necessities and activities of life, from birth until death' (Rawls, 1993a: 18). This conception of society, Rawls writes, is only for the purpose of 'a first approximation' (ibid: 272) and, at any rate, only 'for the time being' (Rawls, 1973: 8). It is subject to revision once a theory of justice for domestic society has been established (Rawls, 1993a: 272), or, as he puts it in his earlier work, it is relaxed when the law of nations is considered (Rawls, 1973: 457).

However, in *The Law of Peoples*, where Rawls (1999a) aims to work out a theory of international justice, he makes no serious attempt to revise or relax the self-sufficiency assumption. On the contrary, he suggests that peoples are so constituted that they do not have to engage in economic cooperation in order to achieve commodious living:

I believe that the causes of the wealth of a people and the forms it takes lie in their political culture and in the religious, philosophical, and moral traditions that support the basic structure of their political and social institutions, as well as in the industriousness and cooperative talents of its members, all supported by their political virtues. (Ibid: 108)

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work for his pleasures? If anything, one would have expected the reverse' (Nozick, 1974: 170).

<sup>119</sup> Wenar's (2001; 2002; 2006) own account of why Rawls rejects an international redistribution principle is that Rawls believes peoples to desire no wealth above and beyond the level that is necessary to sustain just domestic institutions. Yet, as Wenar (2002: 68) has to acknowledge, this argument suffers the same fate as many of Rawls's other arguments against international distributive justice in that it is incompatible with his domestic theory. Below I will argue that Wenar's argument is also unfounded.

In this passage, Rawls subscribes to what Pogge (2002) calls ‘explanatory nationalism’, the view that a nation’s wealth solely depends upon factors internal to that nation.<sup>120</sup> While this is in itself a far-fetched assumption – Brown (2000) calls it unrealistic and naïve, demonstrating a lack of interest in the actual functioning of the international economy<sup>121</sup> – that sooner or later needs to be rejected,<sup>122</sup> let us assume, just for the sake of the argument, that peoples are in fact masters of their own fate. Then it is only a small step to the self-sufficiency thesis, for to say that the causes of wealth are purely domestic is to say that peoples are, or can be if organized in the right way, economically self-sufficient.

Now, the link between economic self-sufficiency, commonly understood as not requiring interaction in order to provide for one’s material needs, and the argument against principles of international distributive justice is fairly obvious: when peoples, unlike individuals, do not depend upon another for their material needs, they will be rather indifferent to the distribution of the surplus that stems from their cooperation.<sup>123</sup> Hence, the difference principle, which determines a fair distribution of the cooperative surplus, is not absolutely required at the international level. Although Rawls never says that his view of explanatory nationalism argues against an international redistribution

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<sup>120</sup> On the face of it, Rawls’s view of explanatory nationalism seems to be inconsistent with his duty of assistance. Yet a closer look at this duty reveals that the sort of assistance Rawls has in mind consists not so much in ‘dispensing funds’, which ‘will not suffice’ and is ‘usually undesirable’, than in putting ‘emphasis on human rights’ and in providing ‘certain kinds of advice’ (Rawls, 1999a: 108-110).

<sup>121</sup> In a later article, Brown (2002a: 15) comes to qualify this critique on the ground that Rawls is walking a thin line between ideal and non-ideal theory. However, when outlining his view of explanatory nationalism, Rawls (1999a: 108) takes an excursion into non-ideal theory, as should be evident from the following statement: ‘I would further conjecture that there is no society anywhere in the world – except for the marginal cases – with resources so scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered’. This statement is then followed up with historical examples and a footnote in which Rawls mentions the Arctic Eskimos as such a marginal case. The statement also gives us a first indication that the circumstances of justice, which presuppose that ‘[n]atural and other resources are not so abundant that schemes of cooperation become superfluous’ (Rawls, 1973: 128), might not hold at the international level: when resources are not short in supply, or at least not short enough as to pose problems to the well-orderedness of societies, schemes of cooperation may indeed become superfluous.

<sup>122</sup> As writers like Pogge (1998; 2002; 2005), Beitz (1999a; 1999c; 2000), Buchanan (2000), Hurrell (2001) and Brock (2009) have shown, Rawls not only ignores that global factors directly determine a nation’s level of wealth; he also brackets the profound and enduring effects these factors have on a nation’s domestic policies and their outcomes. While these writers run the risk of ‘explanatory globalism’ – of placing all responsibility on the external – they help to direct our attention to the important causal role that global factors such as trade practices and private property rights play in the global distribution of wealth. Thus, even those who come to defend Rawls have to admit that internal factors, while crucial, are not the only ones that determine the economic success of a society (Risse, 2005; Miller, 2007).

<sup>123</sup> But then the circumstances of justice, requiring that the parties ‘are *not* indifferent as to how the greater benefits produced by their collaboration are distributed’ (Rawls, 1973: 126; my emphasis), no longer hold. This explains why not only peoples, but also Rawls lack an interest in international distributive justice: because the circumstances of justice, the circumstances under which ‘cooperation is both possible and necessary’ (ibid), do not apply internationally, or at least not all of them, there is no occasion for the virtue of distributive justice and hence no occasion for a theory of distributive justice.

principle, Beitz (1999a: 279) notes, it is not difficult to see how this view could influence thinking about such a principle: when peoples acquire wealth simply by adopting the right civic and political virtues, an international redistribution principle becomes ‘superfluous’.

What Rawls (1999a: 120) does say, however, is that the law of peoples is ‘indifferent’ to the distribution of wealth above the level that is necessary to sustain just institutions. Writers such as Wenar (2001: 84-85) and Caney (2005: 128) have taken this as a starting point for launching their critique of Rawls. Interpreting Rawls to say that peoples ‘have no interest in greater wealth’ and that they are ‘blissfully indifferent’ to their economic status relative to other peoples, Wenar (2001: 84-85) wonders ‘whether Rawls’s characterization simply loses touch with reality, as a drive for material prosperity seems a fixed point in the motivation of the world’s nations’. But this critique misses the point, because it is not that peoples do not want more wealth (Rawls only says that the *law* of peoples is indifferent to how much wealth states acquire once they have become decent or liberal), but that the sources of greater wealth are to be found within the domestic sphere. It is precisely because of Rawls’s view of explanatory nationalism, which feeds into his self-sufficiency thesis, that he rejects an international redistribution principle, not because states do not desire greater wealth as such.

Yet for an assumption so central to his rejection of international distributive justice, the self-sufficiency thesis needs more justification than Rawls provides in *The Law of Peoples*. As Joseph Heath (2007: 193) notes, there is a sense in which Rawls’s claims about international distributive justice are ‘under-argued’. Similarly, David Reidy (2004: 292) thinks that Rawls’s position, while valid in general terms, is ‘imperfectly and incompletely expressed’. In his article, ‘Rawls on International Justice: A Defense’, Reidy (2004) tries to give the self-sufficiency thesis a better run. He starts with the presupposition that individuals could not exist without cooperative institutions such as the family, social groups and political institutions. In contrast, while most peoples cooperate, their status as peoples does not depend upon cooperation. The conclusion Reidy (ibid: 298) draws from this is that ‘unlike individual human persons, peoples are self-sufficient or independent, or at least always potentially so, in a way that individual human persons can never be’.

Further attempts to develop a more satisfactory account of Rawls’s self-sufficiency thesis have been made by Stephane Chauvier (2001) and Freeman (2007).

Interestingly, both writers invoke Hobbes's characterization of the state of nature when arguing for the self-sufficiency of states. Freeman (2007: 421), in his voluminous but simply titled book, *Rawls*, suggests that absent any social cooperation

[t]here would be no system of property and contracts, and no economic system with the division of labor, cooperative productive activity, and trade. Production, if any, would be primitive, and without the recognition of property it is questionable whether agriculture would be possible. People would be without culture, scientific knowledge, technology, and formal and most informal associations (including the social institution of the family).

By contrast, international cooperation is generally thought to be optional and voluntary. While failure to cooperate with other states often means the absence of economic and cultural benefits, states 'can endure and even flourish' in the absence of cooperation (ibid: 422). Writing in a similar vein, Chauvier (2001: 95) believes that without cooperation a person's life would be 'solidary, poor, nasty, brutish and short'. Yet 'it cannot be said that a state, alone and apart from other states, must be comparably deprived and vulnerable' (ibid). Because each representative in the original position knows that his state, on its own, will be able to achieve a certain level of economic welfare, there is no absolute need for principles of distributive justice (ibid).

To conclude, this section has tried to demonstrate that what lies at the bottom of Rawls's argument against an international version of the difference principle is the self-sufficiency thesis already familiar from the discussion of Hobbes's argument against an international version of the Leviathan. Insufficiently expressed in the work of Rawls, this thesis has been taken up by Reidy, Freeman and Chauvier to endow it with greater justificatory force. Through a number of supporting arguments, mostly taken from Hobbes, these writers have tried to substantiate Rawls's claim that states, unlike individual people, are capable of meeting their essential needs independently of one another, as a result of which the difference principle has no international dimension. In part III, this claim will be tested against the empirical evidence.

### *Summary*

This chapter has examined the role the domestic analogy plays within the political theories of Hobbes and Rawls. It could be shown that Hobbes, by positing that states, like people before the establishment of the Leviathan, find themselves in a condition of anarchy, explicitly extends his state of nature model to the international realm. A

similar procedure could be detected in Rawls, who introduces an international original position, analogous to the one among representatives of individuals, in which representatives of peoples decide over the principles that should govern the law of peoples. It is because of their belief that the domestic and international realms share a similar structure that Hobbes and Rawls apply to international relations the very same concepts they use to theorize domestic politics. At the same time, it is because of their belief that the units within the two realms are too dissimilar that Hobbes and Rawls do not stick to the premises of their political theories with regard to the logic of the social contract. For Hobbes and his followers, states do not economically depend upon each other in the way individuals do and, at any rate, are not vulnerable and equal enough as to seek protection in a common authority. Similarly, Rawls and his adherents believe that states, because of their relative economic independence, can get on without international redistribution. Thus, while both philosophers make some important concessions to the domestic analogy, they do not follow it through on the ground that cooperation is not essential for states in the way it is for individuals. It is this very assumption that needs to be reconsidered in light of the twenty-first century.

## 5. Hobbes and Rawls within Wight's Three Traditions of International Theory

The last chapter explored how Hobbes and Rawls believe their political theories to translate into the international context. The aim of the present chapter is to locate their international thought in the landscape of international theory. With this in place, we will be in a better position to understand Hobbes's and Rawls's scepticism towards the (full) application of the social contract to the international level, the reason being that their international thought reflects more sceptical positions in IR. In a posthumously published collection of lectures given in the 1950's, Martin Wight (1992) distinguishes between a realist, a rationalist and a revolutionist tradition of international theory.<sup>124</sup> The essence of the three traditions becomes evident when one considers what they hold international society to be (or what it ought to be): for realists, it is *bellum omnium contra omnes*, that is, an arena of conflict among sovereign states; for rationalists, it is *societas quasi politica et moralis*, that is, a society of states that are not completely free of legal and moral constraints; and for revolutionists, it ought to be *civitas maxima*, that is, a universal state (ibid: 48).<sup>125</sup> In the following three sections, each tradition will be given specific consideration. It will be argued that all three traditions have been informed by the analogy with domestic society, but that ultimately the analogy remains incomplete.

### The realist tradition

Realism, one of the three traditions Wight identifies in international theory, 'is the doctrine that conflict is inherent in relations between states' (ibid: 16). Holding that international relations are ultimately regulated by warfare, realists have to demonstrate

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<sup>124</sup> At times, Wight refers to realism as Machiavellianism, to rationalism as Grotianism and to revolutionism as Kantianism. Marxism is located in Kantianism, which is quite problematic given the former's radical approach. Fortunately, Wight makes a distinction between the 'soft' and 'evolutionary' revolutionism of Kant and the 'hard' and 'revolutionary' revolutionism of Marx. In the following, I am concerned with revolutionism's 'soft' and 'evolutionary' variant.

<sup>125</sup> This, of course, is not the only attempt that has been made to break down the diverse body of IR. A decade after Wight, Wright (1964) distinguished between international theories that see the world as equilibrium, those that see it as a plan and those that see it as an organization. This tripartition more or less corresponds to the three traditions identified by Wight. Ten years later, Lijphart (1974) came up with three points of view, which he brought under the headings of balance of power, collective security and world government. This tripartite distinction, again, roughly parallels Wight's three traditions. The same is true of Falk's (1983) distinction between system maintaining, system reforming and system transforming theories. What this shows is that other attempts to pigeonhole the dominant theoretical approaches to international relations tend to revolve around Wight's threefold distinction.

that there are no effective moral or legal constraints to govern the international system. Here Hobbes's conception of the state of nature serves as a reference point. Morgenthau (1951: 34), who has some claim to be the founding father of realism, believes that there is a 'profound and neglected truth hidden in Hobbes's extreme dictum' that in the absence of an overarching authority 'there is neither morality nor law', and Stephen Krasner (1999: 58), a contemporary thinker of this tradition, in the attempt to refute the common perception of international relations as a game in which constitutive rules preclude certain kinds of action, points to the Hobbesian state of nature in which 'there are no constraints except the power of other individuals'. Yet nowhere are the references to Hobbes's theory more evident than in the writings of structural realists, as can be exemplified on the basis of Kenneth Waltz's two groundbreaking books, *Man, the State, and War* and *Theory of International Politics*.

Both Hobbes and Waltz understand anarchy not merely as the absence of a common authority; for them it also implies the absence of orderly relations, that is, the presence of brute force. According to Waltz (1979: 102), 'anarchy, or the absence of government, is associated with the occurrence of violence'. This idea can already be found in Hobbes (1998: 84), who argued 'that during the time men live without a common power to keep them all in awe, they are in that condition which is called war'. Hobbes added that 'war, consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known' (ibid). Equally, for Waltz (1979: 102), saying that war is a constant feature in international relations 'is meant not in the sense that war constantly occurs but in the sense that, with each state deciding for itself whether or not to use force, war may at any time break out'.

But Waltz not only adopts Hobbes's very definition of anarchy and war; he also uses his account of the state of nature to establish the link between the two. This is evident from Waltz's (1959: 159-186) analysis of the third image of war, which locates the source of interstate conflict within the structure of the international system. Waltz's reason for making references to Rousseau rather than to Hobbes in the discussion of this image is that the former, maintaining that '[m]an is naturally peaceful and timid' (Rousseau, 2002: 417), locates the source of conflict not so much in the minds of men as in the nature of social activity, whereas the latter, allowing for 'some' to take 'pleasure in contemplating their own power in the acts of conquest' (Hobbes, 1998:



83), sees the causes of war in both structure and agency.<sup>126</sup> Yet what Rousseau has to say about the structural causes of war (or, more precisely, about the correlation between a lack of security and preventive war) is essentially what Hobbes had said a century earlier. Rousseau's finding that

everyone, having no guarantee that he can avoid war, is anxious to begin it at the moment which suits its own interest and so forestall a neighbour, ... so that many wars, even offensive wars, are rather in the nature of unjust precautions for the protection of the assailant's own possession than for a device of seizing those of others (cited in Waltz, 1959: 180),

is just another way of saying that 'there is no way for any man to secure himself, so reasonable, as anticipation; that is by force, or wiles, to master the persons of all men he can, ... [as] this is no more than his own conservation requireth' (Hobbes, 1998: 83).<sup>127</sup> For Hobbes (*ibid*: 66), the cause of mankind's 'perpetual and restless desire of power after power ... is not always that a man hopes for a more intensive delight, than he has already attained to', but that 'he cannot assure the power and means to live well, which he hath present, without the acquisition of more'.<sup>128</sup> Thus, the point that Waltz (1959: 182) thinks to have extracted from his consideration of Rousseau, namely that war is intrinsic to anarchy, even if all actors seek only to ensure their own safety, is already to be found in Hobbes.<sup>129</sup>

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<sup>126</sup> Given Hobbes's rejection of mono-causality, it does not come much as a surprise that there is substantial disagreement in the literature about Hobbes's place in Waltz's three images of war. While Vincent (1981: 93) calls Hobbes the 'father' of Waltz's third image, on Williams's (1996: 223) reading, Waltz sees in Hobbes a first image theorist. In fact, Hobbes makes concessions to both images. As Bottici (2009: 95) notes: '[Hobbes's] two levels of analysis, on one hand power as the only means that states can turn to in an uncertain condition such as relations between single sovereigns, and on the other power as a goal whose pursuit man has a natural bent for, find themselves united in a single system of thought'. Strictly speaking, Hobbes (1998: 83-84) identifies three principal causes of quarrel: competition, diffidence and glory. While competition for material possessions, making people invade for gain, and glory, making people invade for reputation, might be ascribed to human agency, diffidence, making people invade for safety, must be attributed to the anarchical structure in which people operate. Note that Hobbes's view of diffidence as the 'prime motive' for war (Bull, 1977: 722-723) bears some striking resemblance to Waltz's (1959: 232) finding that the third image contains the 'underlying cause' of war.

<sup>127</sup> Hobbes, in turn, might have come across this argument while translating Thucydides's portrayal of the Peloponnesian War in which Thucydides famously argued that the growth of Athenian power and the fear this caused in Sparta made preventive war inevitable.

<sup>128</sup> It is not by chance that Bull (1977: 722) has argued that Hobbes's concept of 'security through superior power' comes close to realist analyses of the 'arms race', and that Bottici (2009: 44) has found that Herz, the famous realist thinker who drew up the 'security dilemma', made deliberate references to Hobbes.

<sup>129</sup> For critiques of Waltz's 'structural' reading of Rousseau, see Hoffmann (1963) and Williams (1989). At several points, Waltz (1959: 167, 172, 181) even suggests that Rousseau said nothing that is not also to be found in the writings of earlier thinkers, though in most cases he says it better. For example, both Hobbes and Rousseau see the state of nature as a state of war, with the exception that Rousseau means by the state of war only the late stages of the natural state in which the growth of population makes interaction necessary. Rousseau's criticism of Hobbes then seems to be 'mere quibbling' (*ibid*: 166). In

Just as for Hobbes the solution to the state of war is the Leviathan, for Waltz the solution to the international state of war seems to be an international Leviathan: ‘[I]n the international as in the domestic sphere, if anarchy is the cause, the obvious conclusion is that government is the cure’ (ibid: 228). But to infer from this statement that Waltz goes beyond Hobbes’s own account of international relations would be premature. A little later he argues – more in line with Hobbes’s remarks about international relations – that ‘the fear of modern weapons, of the danger of destroying the civilizations of the world, is not sufficient to establish the conditions of peace’ (ibid: 236). Although ‘the obvious conclusion of a third-image analysis is that world government is the remedy for world war ... the remedy, though it may be unassailable in logic, is unattainable in practice’ (ibid: 238). In *Theory of International Politics*, this practical argument against world government is supplemented with the normative argument that a system of sovereign states is preferable to a hierarchical one, as the latter would not only inhibit the autonomy of the composing states, but also be driven by the exclusive interests of its leaders (Waltz, 1979: 111-114).<sup>130</sup> Hence, Waltz does not carry the Hobbesian analogy all the way to argue for an international version of the Leviathan. What remains, though, is that Waltz, by attributing the principal cause of war to the anarchical structure of the international system, more or less explicitly adopts Hobbes’s state of nature model.

This analogy is accepted not only by Waltz, but by structural realists in general. As Suganami (1989: 19) notes: ‘The domestic analogy can be said to form part of the assumptions on any contemporary writer on international affairs who attributes the instability of the international system primarily to its decentralized structure’. As pointed out above, even classical realists like Morgenthau and more recent exponents

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this context, Tuck (1999: 198) draws attention to the fact that some of the very early readers of Rousseau explicitly linked his views to those of Hobbes. Kant, for example, thought that ‘Hobbes and Rousseau really have the same idea about this [the structural causes of war]’ (cited in Tuck, 1999: 208). Tuck (ibid: 197) himself claims that Rousseau’s views are ‘extremely close’ to Hobbes’s and that the former restated many of the latter’s original insights in a new form.

<sup>130</sup> Here classical realists like Morgenthau seem to be closer to the domestic analogy than structural realists like Waltz. Arguing along Hobbesian lines, Morgenthau (1948: 398-399) asserts that there can be ‘no permanent international peace without a state coextensive with the confines of the political world’. Holding the view that world government is something to which we should aspire, Morgenthau (1993: 361) has to acknowledge that under the prevailing conditions this ideal cannot be achieved. The difference between Morgenthau and Waltz, then, is that the former holds world government to be infeasible, whereas the latter also regards it as undesirable. This leads to the paradox that among those realists who consider war to be primarily due to bad, egoistic or corrupt human nature (and therefore would have reason to worry that an absolute sovereign turns into a despot) we find the greatest admirers of world government, while among those realists who see war as a result of international anarchy (and consequently would have reason to believe that anarchy, by the very definition of the term, would cease to exist with the creation of an overarching power) we find its greatest detractors.

of this tradition such as Krasner conceive of relations among states on the analogy with relations among people in Hobbes's state of nature. Thus, one must agree with M. J. Smith (1986: 13) that Hobbes's 'analysis of the state of nature remains the defining feature of realist thought. His notion of the international state of nature as a state of war is shared by virtually everyone calling himself a realist'.<sup>131</sup>

Having shown that Hobbes's state of nature model has been highly influential in the construction of realist approaches to international relations, we have yet to determine whether Hobbes's few comments about the international realm can be reconciled with the realist tradition. After conceptualizing international relations as a state of nature in the first part of *Leviathan*, in the second part, Hobbes (1998: 235) goes on to apply the legal apparatus of the state of nature to the international realm: '[T]he same law, that dictateth to men that have no civil government, what they ought to do, and what to avoid in regard of one another, dictateth the same to commonwealths'. Accordingly, 'the law of nations, and the law of nature, is the same thing' (ibid). Recall that Hobbes believes it to be contrary to one's legitimate interest in self-preservation to observe the laws of nature *in foro externo* where one has no assurance that others observe them in the same way. If we follow Hobbes's reply to the fool and his characterization of human psychology, we have reason to assume that people and, as such, state leaders have this assurance, as a result of which both the law of nature and the law of nations would be observed *in foro externo*. Hobbes could then be aligned with the rationalist tradition.

Hobbes's official position, though, is that one has this assurance only where there is a supreme power set up to make others perform. With such a power absent from the international scene, 'every sovereign hath the same right, in procuring the safety of his people, that any particular man can have, in procuring the safety of his own body' (ibid). A person's right of nature then translates into a state's right of nature, or what may be called – following Hobbes's term of the law of nations – the right of nations. To be sure, this right applies to states rather than to individuals within states: 'Every commonwealth, (not every man) has an absolute liberty, to do what it shall judge ... most conducing to ... [its] benefit' (ibid: 142). With this statement,

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<sup>131</sup> This is not to say that realists are the only ones who claim Hobbes to be their inspiration; even less so that there are no other readings of Hobbes. In fact, Hobbes's work has been interpreted in many different ways: Forsyth (1979), Vincent (1981) and Malcolm (2002) believe Hobbes to occupy the marshlands between realism and rationalism, Covell (2004) sees in Hobbes not a realist but a rationalist, and for Jahn (2006) and Williams (1996), Hobbes is neither a realist nor a rationalist but a constructivist and post-structuralist, respectively. Hanson (1984) goes even so far as to suggest that Hobbes is among the founding fathers of liberal idealism.

Hobbes provides a legally-tinged justification for the realist truism that states, in their external affairs, are free of legal and moral constraints. But it is most notably his view that states are in a condition of war – a condition that is nevertheless tolerable enough as to pre-empt the establishment of a world state – that firmly locates Hobbes’s international thought in the realist tradition.

### **The rationalist tradition**

According to Wight (1992: 13), rationalists ‘are those who concentrate on, and believe in the value of, the element of international intercourse in a condition predominantly of international anarchy’. In order to show that relations among states are relatively orderly despite the lack of an overarching authority, rationalists have to demonstrate that international relations are not analogous to a Hobbesian state of nature. Accordingly, in the writings of Bull (1966; 1977; 1995), one of the tradition’s greatest proponents, we find an outright critique of this analogy. But in rejecting the analogy between Hobbes’s state of nature and international relations, rationalists tend to make use of another analogy. Bull (1995: 46) recognizes this when he writes that if ‘we are to compare international relations with an imagined, pre-contractual state of nature, we may well choose not Hobbes’s description of that condition but Locke’s’. Unlike Hobbes, for whom the laws of nature in the pre-contractual condition oblige only *in foro interno*, Locke (1980: 9) argues that the state of nature ‘has a law of nature to govern it, which obliges every one’. He believes rights of recipience to be effective even in the absence of a common authority to enforce them.<sup>132</sup> That this idea serves as a theoretical foundation for the construction of rationalist approaches to international relations can be illustrated on the basis of Michael Walzer’s seminal book, *Just and Unjust Wars*.<sup>133</sup>

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<sup>132</sup> While Hobbes’s social contract entails the renunciation of right, Locke’s social contract involves the preservation of right. To reconcile this apparent paradox, we may note that the term ‘right’ can have more than one meaning. Kavka (1986: 303) has usefully distinguished between a ‘right of action’ and a ‘right of recipience’. A right of action is a right to *do* something: I am permitted to act as I choose, or, put negatively, I have no obligation to refrain from an action. Hobbes’s right of nature seems to be such a right. A right of recipience, on the other hand, is a right *to* something and *against* somebody: I have a right to receive something from somebody, and the somebody against whom I have that right has an obligation to me. Locke’s right of nature looks like such a right. Locke’s understanding of right is then much closer to Hobbes’s understanding of law than to Hobbes’s understanding of right. For Hobbes (1998: 86), a ‘RIGHT consisteth in liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty’. See also Hohfeld’s (1946: 36-39) related distinction between ‘claim-rights’ and ‘privilege-rights’.

<sup>133</sup> While on the evidence of his other writings Walzer might not be classed as a rationalist thinker, his legalist paradigm as outlined in *Just and Unjust Wars* clearly stands within the rationalist tradition. Not

In laying out his theory of just war, Walzer (2006: 63) distinguishes his approach from the realist doctrine ‘that states always have, like Hobbist individuals, a right to fight’. Instead, he starts with the presupposition that individuals have a right ‘to *life* and *liberty*’ (ibid: 54; my emphasis). Here he echoes Locke, who claims that the state of nature is governed by the law that ‘no one ought to harm another in his *life* ... [and] *liberty*’ (Locke, 1980: 9; my emphasis).

But Walzer not only shares Locke’s concept of rights; his entire theory of aggression, which ‘takes shape under the aegis of the domestic analogy’ (Walzer, 2006: 61), seems to be consistent with Locke’s. According to Walzer (ibid: 53), it is possible to derive from an individual’s right to life and liberty a state’s right to territorial integrity and political sovereignty. Armed robbery of individuals then becomes equivalent to military aggression against states (ibid: 58). Just as individuals have a right to defend themselves against robbery, Walzer (ibid: 54) believes that states must have a right to defend themselves against aggression: ‘[T]erritorial integrity and political sovereignty can be defended in exactly the same way as individual life and liberty’. In accordance with Locke, for whom people have a right to self-defence, and in contrast to Hobbes, for whom people have an unlimited right to wage war for the sake of their security, Walzer (ibid: 62) concludes that ‘nothing but aggression can justify war’.<sup>134</sup>

Further parallels between Locke and Walzer can be found when we turn from *ius ad bellum* to *ius in bello*. Because in international society there is no judiciary, Walzer (ibid) holds that ‘[o]nce the aggressor state has been militarily repulsed, it can also be punished’. Here again, Walzer seems to be guided, at least unconsciously, by Locke’s (1980: 10) proposition that in the state of nature, ‘where naturally there is no superiority or jurisdiction of one over another[,] ... man hath a right to punish the offender’. And if the victim may execute the law of nature, Locke (ibid) adds, ‘every one may do so’. Equally, for Walzer (2006: 62), because in international society there are no policemen, ‘[a]nyone can come to the aid of a victim’.

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only does Walzer’s attempt to develop a theory of just war stand at the ‘centre’ of the rationalist tradition (Wight, 1992: 217), he also grants moral status to state sovereignty, sees states as bearers of certain rights, and is extremely hostile to centralized forms of power as a means to world order.

<sup>134</sup> Walzer (2006: 81, 85) adheres to a rather broad definition of aggression. According to him, states are victims of aggression as soon as an adversary intends to injure and actively prepares to do so. Under such circumstances, states are forced to fight, as failure to do so would seriously risk their territorial integrity and political sovereignty. It has to be stressed, though, that Walzer’s authorization of pre-emptive attack is fundamentally different from Hobbes’s general approval of preventive war.

The problem Locke (1980: 12) sees with the collective enforcement of law, however, is that partiality, ill nature, passion and revenge are likely to carry people too far in punishing the aggressor, so that government is needed. This is a step that Walzer is not prepared to take. Like Waltz, he rejects the idea of world government on both practical and normative grounds. Walzer (2004: 176) cannot see how certain cultures and religions that are only able to sustain their way of life if they are permitted degrees of separation could approve of a world state. He also feels that human values are best pursued politically in circumstances where there are many avenues of pursuit (ibid: 188). Hence, he does not follow the Lockean analogy all the way to propose the establishment of world government. However, with his theory of just war, Walzer makes some significant concessions to Locke's state of nature model.

This analogy seems to be implicit not only in the work of Walzer, but in rationalist thought in general. For to call this tradition rationalist, Wight (1992: 13-14) explains, is to associate it with the element of reason contained in Locke's conception of the state of nature: 'I would justify the word "Rationalist" by taking a text from ... Locke ... [whose] premise is that men are reasonable, and that they live together according to reason even when they have no common government, as in the condition of international relations'.

Before I turn to Wight's third tradition of international theory, let us examine whether Rawls's international thought has anything in common with the rationalist tradition. Here it is useful to begin with his domestic thought. At first sight, Rawls's theory of justice, with its account of obligation, seems to fit uneasily with the rationalist emphasis on natural law (ibid: 14). A closer look, however, reveals that Rawls was not opposed to the idea of natural duties as such. In *A Theory of Justice*, buried between a discussion of the principles of justice and the original position, we find a section on the natural duties of individuals (Rawls, 1973: 114-117). In contrast to the obligations of individuals (of which the principle of fairness was discussed in chapter 3), natural duties do not presuppose a voluntary act in order to apply. As the adjective 'natural' suggests, they apply to mankind as a whole. Rawls distinguishes between positive duties – duties to do something good – and negative duties – duties not to do something bad. Of the negative duties, which have 'more weight' than positive duties, he explicitly mentions the duty not to inflict unnecessary suffering and the duty not to harm or injure another (ibid: 114), whereby the duty of justice, which requires us to support and comply with just institutions (ibid: 115), must also be seen

as a negative duty (Pogge, 2002: 135). All of this leads David Boucher (2006: 27) to conclude that the ‘idea and content of natural duties look suspiciously like a moral foundationalism derived from an implicit acceptance of natural law’.

Now, the ‘aim of the law of nations’, Rawls (1973: 115) writes in *A Theory of Justice*, ‘is to assure the recognition of these duties in the conduct of states’. Yet in *The Law of Peoples*, the concept of natural duties plays no role whatsoever. The reason for this, Boucher (2006: 27) conjectures, is that Rawls, in developing his idea of justice as political rather than metaphysical, is at pains to exclude comprehensive doctrines as the basis of a theory of international justice. Since he considers the concept of natural duties as such a comprehensive doctrine, he has to distance himself from the natural law tradition. Accordingly, in Rawls’s later writings, ‘peoples continue to have duties of civility, which are moral and not legal, [but] without the adjective “natural”’ (ibid). By building the notion of morality directly into the definition of his actors, Rawls is able to retain the content of the natural duties, while avoiding any reference to natural law. As he tells us in *The Law of Peoples*, he uses the idea of peoples rather than states, because ‘it enables us to attribute moral motives ... to peoples (as actors), which we cannot do for states’ (Rawls, 1999a: 17).

But this raises the question of why agreement is needed at all. For if justice comes into the pre-contractual situation by way of peoples’ ‘moral nature’ (ibid: 23), that is, by their ‘firm attachment to a political (moral) conception of right and justice’ (ibid: 24), why enter into a contractual situation? It seems that once the moral standing of peoples is made explicit the law of peoples turns out to be redundant. In fact, Rawls (ibid: 37) admits that some of the principles specified by the law of peoples are ‘superfluous’ as they are already recognized in a society of liberal and decent peoples. Rawls explicitly mentions the sixth and seventh principles, postulating that peoples observe certain restrictions in the conduct of war and that they are to honour human rights.<sup>135</sup>

The natural duty not to inflict unnecessary suffering, however, is not the only duty that peoples acknowledge and act upon even before they adopt the law of peoples. On several occasions, Rawls (ibid: 17, 28, 64, 69, 88, 90-91) makes clear that peoples, both liberal and decent, do not engage in aggressive war (which is the corollary of the natural duty not to harm or injure another). But then the third principle of the law of

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<sup>135</sup> Note that the order in which the principles of the law of peoples are presented in Rawls’s essay, ‘The Law of Peoples’, does not conform to the order in his book, *The Law of Peoples*. Here I am referring to the order in ‘The Law of Peoples’, as it is outlined in the previous chapter.

peoples, holding that peoples have no right to instigate war for reasons other than self-defence, the fourth principle, dictating that peoples are to observe a duty of non-intervention, and, to an extent, the first principle, specifying that a people's independence is to be respected by other peoples, are superfluous too. By making non-expansionism the price of admission to an original position from which he hopes to derive the principles of non-aggression and non-intervention, Chris Naticchia (2005: 183) points out, Rawls presupposes exactly what the original position is supposed to justify. A similar case can be made for the natural duty of justice. The second and fifth principles of the law of peoples, postulating that peoples are to observe their agreements, are already accounted for by Rawls's (1999a: 35) characterization of a people as one that 'will honor the terms it has proposed even in those cases where that people might profit by violating them'. Accordingly, the fact that peoples keep their agreements is not a result of the law of peoples, but follows directly from Rawls's definition of a people as being reasonable.<sup>136</sup>

What this shows is that all three negative duties – the duty not to inflict unnecessary suffering, the duty not to harm or injure another, and the duty of justice – are recognized by peoples even before they enter into a contractual situation. Rawls's distinction between the pre-contractual situation and the contractual situation then mirrors Locke's: morality is already existent in the former, whereas in the latter it is given the weight of positive law. Viewed in this light, the contract plays no constitutive role; it is merely designed to justify, consolidate or extend pre-existing rights and duties (Boucher, 1994: 4). For Rawls, as for rationalists, there is no question of agreement *creating* morality. This provides us with another explanation of why they are so reluctant to (fully) apply the social contract to the international level: because the society of states is not devoid of order and justice, there is no absolute need for Locke's government and Rawls's second principle of justice on an international scale.

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<sup>136</sup> The duty of justice not only 'requires us to support and to comply with just institutions that exist and apply to us', but 'also constrains us to further just arrangements not yet established' (Rawls, 1973: 115). We might therefore argue with Hinsch (2001: 62) that the eighth principle of the law of peoples, prescribing a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime, is 'something analogous' to the second part of the duty of justice. The three negative duties are then more or less covered by the eight principles of the law of peoples. Alternatively, we might consider the eighth principle of the law of peoples as the analogue to the positive duty of mutual aid, which requires us to 'help another when he is in need to jeopardy, provided that one can do so without excessive risk or loss to oneself' (Rawls, 1973: 114).



We must conclude that Rawls, with his view of a people's natural sociability, firmly stands in the rationalist tradition.<sup>137</sup>

### **The revolutionist tradition**

The last two sections placed Hobbes's and Rawls's international thought in the realist and rationalist tradition, respectively. What the two traditions (and, as such, Hobbes and Rawls) have in common is a certain hostility towards the (full) application of the social contract to the international level. For an elaborated version of the domestic analogy, it seems, one has to turn to the tradition that is all but satisfied with the status quo, the revolutionist tradition.

'The essential characteristic of Revolutionist theory', Wight (1992: 41) explains, 'is that it assimilates international relations to a condition of domestic politics'. This section centres around two such theories. The first theory is the one sketched by Kant (2002a) in *Perpetual Peace*. Kant makes a good case for investigation not only because his name stands representative for Wight's tradition of revolutionism, but also because he is widely believed to have taken the Hobbesian analogy to its 'logical conclusion' (Bull, 1977: 725): no longer just the concept of the state of nature, as in Hobbes, but also that of the social contract is applied to the international level.<sup>138</sup> The second theory to be considered in this section is the one offered by Beitz (1979) in *Political Theory and International Relations*. Although this book was published only after Wight delivered his lectures on the three traditions, it is almost certain that Wight would have associated Beitz with the revolutionist tradition: with his stated attempt to take the Rawlsian analogy, which we have seen to be limited in Rawls, to its ultimate conclusion, Beitz clearly reflects the 'desire of Revolutionists to assimilate international to domestic politics' (Wight, 1992: 46).

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<sup>137</sup> Given his close ties to rationalism, it is no surprise that Rawls drew inspiration from other rationalist writers: the title of his book *The Law of Peoples* is the English translation of Vattel's *Le Droit des Gens*. His list of human rights, among them the rights to life, liberty and property, has little to add to the rights identified by Locke, and his just war doctrine bears such a striking resemblance to Walzer's theory of just war that Martin and Reidy (2006: 12) have suggested to treat them together 'as constituting something like a unified view of the subject'. As Rawls (1999a: 95) freely admits: 'I follow here Michael Walzer's *Just and Unjust Wars*. This is an impressive work, and what I say does not, I think, depart from it in any significant respect'.

<sup>138</sup> Besides Bull, writers arguing along these lines include Suganami (1989: 21) and Höffe (1995: 115). For a discussion, see Bottici (2009: 52). Note that the extension of the social contract by analogical argument does not follow logically but analogically. Hence, Kant must be said, if at all, to have taken the Hobbesian analogy to its 'analogical conclusion'. For Bull, taking an analogy to its conclusion means recognizing a complete form of the analogy (see the introduction to chapter 4). In the following, the two phrases will be used interchangeably. Note, however, that it is not the analogy itself that is taken to its conclusion but the reasoning behind it.

I begin with Kant and examine whether he succeeds in following through the Hobbesian analogy. As outlined above, Hobbes believes states to operate analogously to people in a state of nature but without the need for cooperation. Here he is in line with thinkers of his time who considered the state as the culmination and completion of political life. For Kant, ‘the first great modern political philosopher to realize that the question of international relations cannot be side-stepped’ (Brown, 2002b: 42), this was not enough. Rather than seeing states as end-points, he believed them to be ‘staging-posts in the construction of a peaceful world society’ (Booth, 2007: 83).<sup>139</sup> While on the evidence of his writings Kant could be classed as a realist, rationalist or revolutionist (Hutchings, 1992: 57), he was critical of both the realist tradition revolving around Hobbes and the rationalist tradition upheld by the international lawyers of his time, who he referred to as ‘sorry comforters’ whose precepts had not ‘the slightest legal force, since states as such are not subject to a common external constraint’ (Kant, 2002a: 439). Instead, he sought to bring international relations under the domain of enforceable law. Kant’s task, then, was essentially twofold: while in a first step he had to show – in accordance with realism (and contrary to rationalism) – that international relations resemble the Hobbesian state of nature, in a second step he had to demonstrate – in contrast to realism – that this international state of nature is so intolerable that states must be willing to contract out of it. Let us consider the two steps in turn.

According to Kant (ibid: 438), ‘[p]eoples who have grouped themselves into nation states may be judged in the same way as individual men living in a state of nature’. This is because states, ‘although internally law-governed, still live in a lawless condition in their external relationships with one another’ (Kant, 1991a: 174). Following Hobbes’s argument that the laws of nature oblige *in foro externo* only within a state, Kant insists that ‘[o]nly within a universal *union of states* (analogous to the union through which a nation becomes a state) can ... rights ... acquire *peremptory* validity’ (ibid: 171; italics in original). In the absence of such a union, states, like individual people in Hobbes’s state of nature, have their own right to do what seems good to them (ibid: 137). This is a condition of war, ‘for even if it does not involve active hostilities, it involves a constant threat of their breaking out’ (Kant, 2002a: 436). For Kant (ibid: 441),

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<sup>139</sup> Before Kant, the Italian poet Dante Alighieri, the French writer Abbé de Saint-Pierre and the German lawyer Christian Wolff, amongst others, had already advocated some kind of association between states. Yet they could hardly match Kant, both in terms of the precision of his thoughts and the influence his writings gained.

there is only one rational way in which states coexisting with other states can emerge from the lawless condition of pure warfare. Just like individual men, they must renounce their savage and lawless freedom, adapt themselves to public coercive laws, and thus form an international state (*civitas gentium*).

These quotes may suffice to show that Kant considered relations among states analogous to relations among people in a Hobbesian state of nature (Hutchings, 1992: 52; Tuck, 1999: 280). He agrees with Hobbes and the realist tradition on the description of international relations in terms of the absence of binding law, a state's right to everything, a war of all against all (whereby war consists not only in actual fighting, but also in the known disposition thereto) and the belief that peace is only realizable in a universal union of states. Where he disagrees is on the impossibility and undesirability of implementing the latter. It is this second step in Kant's project of perpetual peace that will be considered next.

Recall that the two passions that incline Hobbesian individuals to peace are 'desire of such things necessary to commodious living' and 'fear of death' (Hobbes, 1998: 86). Considering Hobbes's (ibid: 164) argument that no state can produce all commodities necessary for the maintenance of its body, we might argue with Boucher (1990: 228; 1998: 160) that Hobbes envisaged considerable commerce to take place between states that are in a state of war.<sup>140</sup> This view can be contrasted with Kant's assumption that 'the *spirit of commerce* ... cannot exist side by side with war' (Kant, 2002a: 445; italics in original). But Hobbes's fault was not only to believe that commerce would be unaffected by war, he was also quite wrong to assume that interstate conflict would be less miserable than interpersonal conflict. Kant (1991a: 137) was convinced that 'individual men, peoples and states can never be secure against acts of violence from one another' until 'external coercive legislation supervenes'. Thus, given that international warfare causes misery both by blocking the gains from economic exchange and by putting at risk the integrity of states, Kant (1991b: 47) did not see relations among states as being qualitatively different from relations among individual people in a Hobbesian state of nature: 'Each [state] must ... expect from any other precisely the same evils which formerly oppressed individual men and forced them into a law-governed civil state'. But then each 'nation, for the

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<sup>140</sup> At the same time, Boucher (1998: 160) suggests 'that Hobbes believed that the desire for a more commodious life, which includes the enjoyment of foreign goods, acts as an incentive to desist from unnecessary wars', which leads him to the conclusion 'that Hobbes believed progress to be both possible and desirable in international affairs' (ibid: 161). This line of argument not only lacks solid textual support; it also stands in clear contrast to Bull's (1977: 730) finding that the 'conception of progress is ... entirely absent from Hobbes's account of the international state of nature'.

sake of its own security, can and ought demand of the others that they should enter along with it into a constitution, similar to the civil one, within which the rights of each could be secured' (Kant, 2002a: 438). Leaving aside the hotly disputed question of whether this constitution takes the shape of a federal state or a federation of states,<sup>141</sup> the important point to grasp is that Kant (1991a: 165) foresees this constitution to be designed 'in accordance with the idea of an original social contract'.

Must we conclude from this that the Hobbesian analogy, imperfect in Hobbes, is completed by Kant? Numerous scholars have answered in the affirmative. According to Bull (1966: 48), 'in *Perpetual Peace* the Hobbesian domestic analogy is applied to international relations, but in this case taken further to embrace not only the idea of a state of nature but also that of the social contract'. In a similar vein, Suganami (1989: 21) asserts that the 'basic structure of Kant's argument was along the lines of the domestic analogy: states must unite into an international body just as it was necessary for individuals to unite under separate states'. But is Kant's reasoning truly analogical?

In recent years, Bottici (2003; 2009) has argued that the domestic analogy plays only a rhetorical and heuristic role in Kant, but no justificatory one. Given Kant's conception of right, Bottici (2003: 400-402) doubts that he could ever have moved from the domestic experience to say that, since a constitution has proved successful in the domestic sphere, states should adopt a constitution too. As Kant (1991a: 174) puts it when talking about the constitution that is necessary to achieve perpetual peace:

[T]he rule on which this constitution is based must not simply be derived from the experience of those who have hitherto fared best under it, and then set up a norm for others. On the contrary, it should be derived *a priori* by reason from the absolute ideal of a rightful association of men under public laws.

What emerges from this passage is that Kant's project of perpetual peace is based not so much on analogical reasoning as on deducing and applying a normative proposition. Reason tells us *a priori* that a lawless state is unjust. This postulate of reason is then applied to both the interpersonal and the international state of nature. Accordingly, the imperative to overcome the international state of nature derives from the normative value of the proposition taken at the outset and not from analogical reasoning as such.

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<sup>141</sup> For the former view, see Bull (1966; 1977; 1995), Wight (1966; 1987; 1992) and Höffe (1995); for the latter view, see Hinsley (1963), Gallie (1980) and Bottici (2003); for some sort of compromise, see Hurrell (1990) and Boucher and Kelly (1994).

But it is not only because of his methodology, but also his ontology that Kant's reasoning cannot be classed as analogical. Having presented six preliminary articles that, if adhered to, yield a cessation of hostilities, Kant (2002a: 436-443) moves on to set out three definitive articles that are meant to build the foundations for a permanent peace. These articles concern individuals within a state (first definitive article), states in their relationships with one another (second definitive article), and individuals and states in so far as human beings must also be considered as citizens of a universal state of mankind (third definitive article). It is the third article, specifying the right of individuals not to be treated with hostility when arriving in a foreign state, which introduces a new dimension to the familiar domestic/international binary. Although limited to universal hospitality, cosmopolitan right is 'a necessary complement' to domestic and international right, 'transforming it into a universal right of humanity' (ibid: 442). Only in a condition of universal right, Kant insists, 'can we flatter ourselves that we are continually advancing towards a perpetual peace' (ibid). It is here that the domestic analogy reveals its limits: for perpetual peace to materialize, it is not enough to extend domestic right to international right, because right in the international sphere 'involves not only the relationship between one state and another within a larger whole, but also the relationship between individual persons in one state and individuals in the other or between such individuals and the other state as a whole' (Kant, 1991a: 165). For Kant, the ultimate unit of concern is not the state, as it is for the domestic analogy, but the individual. Hence, the argument that the Hobbesian analogy is completed by Kant must be rejected on both methodological and ontological grounds.

Now I turn to Beitz and ask whether his attempt to take the Rawlsian analogy to its ultimate conclusion is successful. Earlier, it was shown that Rawls conceives of justice among states as analogous to justice within states but without mechanisms for the systematic redistribution of wealth. Here Rawls mirrors the at his time well-established thought that the material obligations people have towards one another stop short at national borders. However, by providing one of the most popular versions of this thought, Rawls kicked off a debate about whether we have material obligations not only towards our fellow citizens but also towards those living in faraway places. Beitz's (1979) *Political Theory and International Relations* must be seen as the pioneering study in this regard, because 'many of the arguments that surface later first

see the light of day here' (Brown, 2002b: 171).<sup>142</sup> After an outright critique of the realist tradition in part one (which he labels 'moral skepticism'), and a powerful denunciation of the rationalist tradition in part two (which he calls 'morality of states'), Beitz argues in the third part of his book that persons of diverse citizenship have material obligations to one another similar to those that Rawls believes citizens of the same state to have to one another. Beitz contests Rawls's position on essentially two grounds. First, he points to the fact that even if we agree with Rawls that states are self-sufficient entities, their representatives, situated behind a global veil of ignorance, would still choose some principle for the redistribution of natural resources. His second argument is that states, in the light of international interdependencies, can in fact no longer be regarded as being self-sufficient, with the result that Rawls's difference principle must apply globally. Let us consider the two arguments in turn.

Beitz's (1979: 136-143) argument for a global redistribution of natural resources is based on Rawls's claim that no individual deserves his or her greater natural talents. For Beitz, the natural resources of states are no less arbitrary from a moral point of view than the natural talents of individuals. Parallel to Rawls's difference principle, which alleviates material inequalities accruing to individuals from their differing natural talents, Beitz therefore proposes a global resource redistribution principle, which alleviates material inequalities accruing to states from their differing natural resources. Beitz (*ibid*: 137-138) thinks that the parties to the international original position would view the distribution of natural resources in the same way as Rawls says the parties to the domestic original position would view the distribution of natural talents. Not knowing the resource endowments of their societies, they would agree on a global resource redistribution principle to even out the uneven distribution of natural resources over the earth's surface (*ibid*: 141). The argument for international redistribution would then even hold when we assume states to be self-sufficient.

But this assumption is questionable in itself. Beitz (*ibid*: 143-153) points to the rapid growth of international trade and investment to illustrate that there is a substantial degree of economic interdependence in our world today. According to him, 'there is every reason to believe that the rising trend, if not the rate of increase, will continue in the years ahead' (*ibid*: 144). In the second edition of his book, published twenty years later, Beitz (1999c: 202) observes that the integration of global economic processes has in fact further deepened:

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<sup>142</sup> While Barry (1973) and Scanlon (1975) had touched on the issue before, they were far from providing a systematic argument for international distributive justice.

The growth of the world economy since this book was written and the elaboration of global financial and regulatory regimes only strengthen the impression of an evolving global basic structure with consequences for individual life prospects whose scale and character are analogous to those of the institutional structure of domestic society.

Given Rawls's claim that the two principles of justice apply to the basic structure of society, and given the emergence of a global basic structure, Beitz reasons that not only the first principle of political justice, but also the second principle of economic justice must apply globally.

Can we say, then, that the Rawlsian analogy, imperfect in Rawls, is completed in the work of Beitz? At times, Beitz seems to suggest so. Beitz (1979: 8) writes that he will turn to 'the domestic analogy of international society and domestic society to discuss whether the two realms are sufficiently similar that arguments for distributive justice within the state carry over into international relations' and that he will 'argue that a suitable principle can be justified by analogy with the justification given by John Rawls in *A Theory of Justice* for an intrastate distributive principle'. But is Beitz's argument truly a case of analogical reasoning?

In the discussion of Kant, it was shown that his project of perpetual peace is based not so much on analogical reasoning but on applying an axiomatic presupposition. A similar case can be made for Beitz's project of international distributive justice. While in Kant the axiom is that those who find themselves in a lawless condition must enter into a juridical condition, in Beitz (ibid: 131) the axiom seems to be that 'requirements of justice apply to institutions and all practices ... in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place'. Having investigated the structure of the global economy, Beitz (ibid: 149) comes to the conclusion that 'international interdependence involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were autarkic'. Thus, it follows logically, and not analogically, that requirements of justice apply globally. Suganami (1989: 146) confirms that Beitz's argument for international distributive justice is lent support by the fact of international economic interdependence and not by the force of any analogy.

In addition to this methodological objection, it is possible to raise an ontological objection to the claim that Beitz's reasoning has an analogical basis. According to Beitz (1979: 170), the dramatic increase in economic activity between and beyond states challenges not only Rawls's notion of states as self-sufficient

entities, but also his very idea of a contract between states. In times in which national boundaries can no longer be regarded as the outer limits of social cooperation, Beitz sees no reason to follow Rawls in introducing an international original position in which states decide over the principles that are to govern their relations. Instead, he intends to enlarge the scope of the domestic original position to all people of the world so that the principles chosen no longer apply to definite individuals but to mankind as a whole.<sup>143</sup> It is at this point that the domestic analogy begins to crumble: rather than states, the ultimate units of redistribution are individuals, meaning that the difference principle must be applied with a view of protecting the well-being of the least advantaged individuals and not the welfare of the least advantaged states (ibid: 152-153).<sup>144</sup> Beitz's argument involves not an analogy from the person to the state, but an extension of a person's responsibilities towards his fellow citizens to a person's responsibilities towards people in general. Thus, despite what certain formulations in his book seem to suggest, there is some methodological and ontological evidence that Beitz did not move along the lines of the Rawlsian analogy.

### *Summary*

The last three sections have shown that each of Wight's three traditions of international theory conceives of international relations on the analogy with some state of nature. While realists are inspired by Hobbes's idea that in a condition of anarchy there exists a war of all against all, rationalists take from Locke the notion that moral norms sustain a minimum of order prior to the establishment of government. Yet both traditions are overly sceptical with regard to the extension of the social contract to the international level. Of all three traditions, revolutionism, arguing for the assimilation of international to domestic politics, seems to carry the analogy furthest. However, a close examination of the methodology and ontology of Kant and Beitz, the perhaps most prominent revolutionists with regard to the application of the Hobbesian and Rawlsian social contract to the international level, has revealed that the two philosophers did not develop their projects along the lines of the domestic analogy: methodologically, the structure of their arguments is that of a logical deduction from

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<sup>143</sup> Writers such as Richards (1982), Barry (1989a), Pogge (1989) and Moellendorf (2002) have followed Beitz here.

<sup>144</sup> 'Following Kant', Beitz (1979: 181) suggests, 'we might call this a cosmopolitan conception: It is cosmopolitan in the sense that it is concerned with the moral relations of members of a universal community in which state boundaries have a merely derivative significance'.



an axiomatic presupposition as opposed to an inference by analogy; ontologically, their ultimate unit of analysis is the individual as opposed to the state. Thus, although elements of the domestic analogy can be found within all of Wight's three traditions, no theory under investigation has taken the analogy to its ultimate conclusion. In the next part of this work, I will aim at filling this gap.

## **PART III: The International Sphere**

## 6. Order and Justice on a Regional Scale

In chapter 4, three arguments were identified for why the social contract of Hobbes and Rawls cannot be (fully) applied to the international level. These arguments were termed the invulnerability thesis, the inequality thesis and the self-sufficiency thesis. The present chapter tests these theses against the historical record of Europe.

Section one traces the course and severity of general wars in Europe after 1648. Section two shows that neither the invulnerability thesis nor the inequality thesis fares particularly well in the light of ever more destructive wars in which the strong were periodically defeated by a coalition of the weak. When the situation of states resembles, in these two critical aspects, the situation of people in the state of nature, it is reasonable to ask whether states might be subject to the same existential fear that drives people to set up a common authority. Against this background, section three examines whether the establishment of the High Authority, Europe's first supranational institution, was driven by a rationale similar to the one outlined by Hobbes in *Leviathan*. Section four traces the major steps in the European integration process after 1957. Section five demonstrates that the self-sufficiency thesis performs poorly with a view to the increasing division of labour among European states. When the situation of states is akin to the situation of individuals in this regard, states might no longer be indifferent to the distribution of the cooperative surplus. Against this backdrop, section six examines whether the creation of the Cohesion Fund, Europe's first international redistribution instrument, was moved by an imperative similar to the one described by Rawls in *A Theory of Justice*.

In a world of growing technological and economic interdependence, Beardsworth (2011) has recently argued, normative political theory is no longer distinct from empirical international reality. This is particularly the case with the international human rights regime (ibid: 4), where normative arguments about the basic needs of human beings are codified in international law (see Robertson, 2002; Held, 2004; Cabrera, 2004; Hayden, 2005). In this chapter, I will try to supplement the work of the aforementioned thinkers by establishing that central tenets of Hobbes's theory of order and Rawls's theory of justice are already implemented at the European level. I consider the EU as a perfect case to illustrate that normative political theory has a purchase on empirical international reality that goes beyond the international human rights regime.

Of course, ‘reality is always much messier and more complex than theoretical analysis may seem to suggest’ (Bufacchi, 1995: 186). This is especially true when the theory does not speak directly to the reality, as it is the case with theories that employ hypothetical constructs that are then deployed by analogical reasoning to the real, international context. As such, the correspondence between Hobbes’s Leviathan and the High Authority, on the one hand, and between Rawls’s difference principle and the Cohesion Fund, on the other hand, can be only relative at best. Nevertheless, it is a central claim of this chapter that the spirit behind the establishment of the High Authority and the Cohesion Fund is analogous to the one outlined in the political theories of Hobbes and Rawls, respectively.<sup>145</sup>

In making this claim, I only very selectively engage with European integration theory. This is because I am not so much concerned with explaining European integration *per se* as I am with demonstrating that the genesis of the EU reinforces the plausibility of presuming that political theory applies beyond the state. Rather than approaching European integration from an IR perspective, I look to political theory and make an argument by analogy.<sup>146</sup>

### **Political integration in Europe from 1648 to 1951**

The following three sections explore the extent to which European political integration can be conceptualized in Hobbesian terms. This section maps the ‘series of experiments in international government’ (Nardin, 1983: 85) that culminated in the creation of the High Authority. The problem here is that Hobbes’s account of the transition from the state of nature to civil society is a nongradual one. I help myself by making use of the thought of Kant, who, as it was shown in the previous chapter, draws heavily on Hobbes, but who thought that the process of achieving a civil constitution was a gradual one (Stone Sweet, 2012: 82). Analogizing from his teleological argument that the ‘mechanical process of nature visibly exhibits the purposive plan of producing concord among men ... by means of their very discord’ (Kant, 2002a: 443), so that ‘violence and the distress it produces must eventually make

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<sup>145</sup> This, of course, is not to say that the architects of the High Authority and the Cohesion Fund were creating these institutions with Hobbes and Rawls in their mind.

<sup>146</sup> For the same reason, I do not engage with neoliberal institutionalism in any detail. Like the present work, neoliberal institutionalists are concerned with questions of compliance and defection, contribution and distribution, and, more generally, when and how actors succeed in cooperating despite anarchy. Instead of looking at these questions from a neoliberal institutionalist point of view, I try to show that political theory provides an equally valuable source.

a people decide ... to enter into a *civil* constitution' (Kant, 2002b: 430; italics in original), I ask whether an increase in violent interaction in the European state system led to greater degrees of political cooperation.<sup>147</sup>

In order to operationalize this question, I examine the series of attempts of European states to shape *power-restraining mechanisms*; monitoring how they evolved in response to the *severity* of *general wars*. John Ikenberry (2001: 37-44) has depicted a continuum of *power-restraining mechanisms*, with the most sophisticated mechanisms ranging from a balance of power (preventing power aggrandizement through mutually blocking coalitions of states) and institutional binding (tying states together in mutually constraining institutions) to supranational integration (sharing sovereignty with overarching political authorities). Following Jack Levy (1985: 372-373), *severity* will be defined as the number of battle-connected deaths of military personnel.<sup>148</sup> Arnold Toynbee (1954: 251-255) has defined a *general war* as a war 'in which one Power that has forged ahead of all its rivals makes so formidable a bid for world dominion that it evokes an opposing coalition of all the other Powers implicated in this particular system of international relations'. The period of investigation is from 1648, the year of the Peace of Westphalia, to 1951, when with the High Authority the first supranational institution in modern European history was set up. The general wars falling into this period are the Wars of Louis XIV, the Coalition Wars, World War I and World War II. It will be shown that the power-restraining mechanisms formed by European states after each general war reveal an evolution towards greater degrees of restraint (as specified by Ikenberry).<sup>149</sup>

### *The Wars of Louis XIV and the Treaty of Utrecht*

Three years before Hobbes published his *Leviathan* in 1651, the Peace of Westphalia, after thirty years of violent struggle within the greater part of Continental Europe, had

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<sup>147</sup> Kant himself believes that 'the distress produced by the constant wars in which the states try to subjugate or engulf each other must finally lead them ... to enter into a *cosmopolitan* constitution' (Kant, 2002b: 430; italics in original). As he elaborates in 'Idea for a Universal History with a Cosmopolitan Purpose': 'Wars, tense and unremitting preparations and the resultant distress which every state must eventually feel within itself, even in the midst of peace – these are the means by which nature drives nations to make initially imperfect attempts, but finally, after many devastations, upheavals and even complete inner exhaustion of their powers, to take the step which reason could have suggested to them even without so many sad experiences – that of abandoning their lawless state of savagery and entering a federation of peoples' (Kant, 1991b: 47).

<sup>148</sup> Civilian casualties are not included because there exist no reliable and consistent figures on civilian deaths for all the wars under investigation.

<sup>149</sup> This is not to say that the mechanisms were able to prevent European states from fighting each other. As I will argue below, only the EU, or what formerly was the ECSC, proves effective in this regard.

laid the foundations for the modern state system. While *Leviathan* describes the process by which people overcome anarchy and unite under a common authority, Europe went through a reverse process at that time: ‘In its emphasis on the separateness of the European states rather than on the unity of Christendom, and its rejection of any idea that the pope or emperor had some universal authority’, Adam Watson (1992: 188) notes, the Westphalian settlement came ‘dangerously near the anarchic end’.

The most powerful country to emerge from the Thirty Years War was France. At the turn of the seventeenth century, its population was the same size as that of England, the Habsburg Empire and Prussia combined (Kennedy, 1988: 128). The French army even outnumbered the combined armies of England, the Habsburg Empire, Prussia, Russia and the Dutch Republic (ibid). In order to contain France’s concentration of power, the Habsburg Empire, the Dutch Republic, Spain, Denmark and some German principalities joined forces in 1672. The subsequent Dutch War lasted for six years and cost the lives of 342,000 soldiers before both sides, having made no dramatic gains, concluded an agreement at Nymegen in 1678.<sup>150</sup> France was still powerful enough, though, to make a second drive for hegemony. When Louis XIV invaded Germany a decade later, it took less than a year before the Grand Alliance composed of England, the Habsburg Empire, the Dutch Republic, Spain, Saxony, Bavaria, Swabia and Savoy had fully formed to counter what English king William III termed ‘overgrown French power’ (cited in Gibbs, 1989: 61). The Nine Years War, taking the lives of 680,000 soldiers, was brought to an end by the Treaty of Rijswijk, which foresaw a general return to the status quo ante. Yet when Louis XIV was eager to place his grandson on the Spanish throne, the political plurality of Europe came under threat again. In 1701, Britain, Austria and the Dutch Republic, considering a unified Franco-Spanish kingdom to be too powerful, threw their weight against France in the War of the Spanish Succession. It took twelve more years of intense fighting and another 1,251,000 military deaths before Louis XIV had been decisively checked in his territorial ambitions.

The peace terms that were fixed in the Utrecht settlement of 1713 sought to restrain future hegemonic wars through the workings of a balance of power. Article II of the Treaty of Alliance for Settling the Public Peace, for example, specified that ‘the only method which could be found out for fixing a durable balance in Europe was

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<sup>150</sup> All numbers of battle-connected deaths of military personnel are taken from Levy (1985: 372-373).

judged to be this, that it should be an established rule that the kingdoms of France and Spain should never go together' (Chalmers, 1790: 259). Indeed, the Utrecht settlement was the first of its kind to declare the maintenance of a general balance of power as a common goal of all states in the European system. Yet it took not more than twenty years for this balance to come under immense pressure when Austria, Russia and France disagreed about the succession of the Polish throne. The War of the Polish Succession was just the prelude to a number of conflicts, including the War of the Austrian Succession (Austria and Britain against Prussia and Russia) and the Seven Years War (Britain and Prussia against Austria, France and Russia), which outlined the frailties of the balance of power system. But it was not until after the Coalition Wars that a different kind of system began to emerge.

#### *The Coalition Wars and the Treaty of Vienna*

At the turn of the eighteenth century, France, arising reinvigorated out of the French Revolution, played the aggressor's part once again. While during the times of Louis XIV the French army had been a match for the combined forces of the opposing coalitions, a century later the troops of Revolutionary France were clearly outnumbered by those of its enemies (Kennedy, 1988: 128). John Mearsheimer (2001: 273) confirms that 'France, although powerful, was not so powerful that all four of its rivals were needed to prevent it from overrunning the continent'. Accordingly, the first years of the conflict were marked by 'considerable buck-passing' – the attempt to get other states to assume the burden of checking the opponent while remaining on the sidelines (ibid).

When the French army advanced east in 1792, Britain, the Habsburg Empire and Prussia were drawn together in the First Coalition. In 1795, Prussia quit the alliance, only to be followed by Austria two years later. After the failure of the First Coalition, a number of countries abandoned their neutrality and formed a Second Coalition consisting of Britain, Russia, Austria, Portugal, Naples and the Ottoman Empire. Yet with Prussia staying on the sidelines, Russia quitting the coalition in 1799, and Austria signing a peace treaty with France in 1801, numerous countries opted to buck-pass again. As a result, neither the Second Coalition nor the three subsequent anti-French alliances were able to bring Napoleon down. Instead, France gradually extended its domain over continental Europe and turned Austria, Prussia and some German principalities into unwilling French allies. It was only in 1812, when

Napoleon's troops advanced as far as Russia, that all great powers joined together in the so-called Quadruple Alliance. The combined forces of Britain, Austria, Prussia and Russia were able to cut down France's power to a point where the country was no longer preponderant. The nineteenth century therefore offers a parallel to the eighteenth century in that '[i]n both, a major coalition war against a state deemed to have hegemonic aspirations resulted in the defeat of the expansionist state' (Sheehan, 1996: 109). What was unparalleled was a death toll of 2,532,000 military personnel.

It is against this background that the European powers, at the Vienna Conference of 1815, opted for a new mechanism to restrain conflict – the congress system. According to Richard Elrod (1976: 161), this system 'derived from the common realization ... that something new and different must be devised to mitigate the increasingly chaotic and warlike balance-of-power system of the previous century'. Also known as the Concert of Europe, the congress system loosely bound the European powers to recurring conferences as a mechanism to 'systematise a spontaneous balance of power situation' (Clark, 1993: 115). But the Concert of Europe also went beyond conventional balance of power logics in that it became an elitist club with Britain, Austria, Prussia, Russia and, later, France as its only members. Although the first decades witnessed peaceful relations among these states, the Crimean War (Britain and France against Russia), the Austro-French War, the Austro-Prussian War and the Franco-Prussian War altogether demonstrated the inability of this system to prevent European states from fighting each other. Yet it took a world war for statesmen to realize that the congress system was essentially outdated.

### *World War I and the Treaty of Versailles*

While it is widely agreed that France under Louis XIV and Napoleon was in a materially preponderant position, it is less accepted that this was the case with Germany under Wilhelm II. However, the data indicates that by the eve of World War I, Germany was about to become the most powerful state in Europe. In 1914, the country's share of world manufacturing production was higher than Britain's and more than twice that of France (Kennedy, 1988: 259). German steel output was even larger than that of Britain, France and Russia combined (ibid: 257). This prompts Francis Hinsley (1963: 300) to argue that Germany 'approached a degree of material primacy in Europe which no power had possessed since 1815'. At the same time, Wilhelm II, eager to exercise a sort of 'Napoleonic supremacy' (Kennedy, 1988: 272) over the



continent, proclaimed the coming of the ‘German century’ (ibid: 325). ‘Although it is true that plans for Continental supremacy in the Napoleonic sense were remote from Germany’s original conception’, Ludwig Dehio (1963: 241) clarifies, ‘she was nevertheless compelled by circumstances, or beguiled, into moving ever closer to such an aim’. Hinsley (1963: 304) therefore concludes that Germany’s policy did exhibit all the characteristics typical of her predecessors who sought to convert their preponderant into a hegemonic position: ‘The German government, conscious now of German superior power, had, like ... Louis XIV or Napoleon I before it, determined to exercise and to extend it as a domination’.<sup>151</sup>

The European balance of power was primarily threatened in the Balkans and Belgium (Morgenthau, 1993: 207). Consequently, it was Austria-Hungary’s attack on Serbia that led to the mobilization of Russia, and Germany’s strike against Belgium that brought in the British. Soon after, the Central Powers were confronted with an alliance of Britain, France, Russia, Italy, Belgium, Rumania, Portugal, Greece, Serbia and a vast number of states from overseas. When the US joined the coalition in 1917, the balance ultimately tipped in favour of the Entente. For the third time in the Westphalian state system’s existence, a preponderant power, within sight of hegemony, was defeated by a coalition of states, taking the lives of 7,734,300 military personnel.<sup>152</sup>

The political order that emerged from the Treaty of Versailles, settling the affairs of Europe after World War I, was the first to be based on a constant association of states. For Alfred Zimmern (1936: 137), this was a direct result of World War I: ‘The Great War ... by its destructiveness, by its overthrow of all that had been regarded as stable in international politics, compelled men to seek for new and surer terms of organisation’. The League of Nations promised to be a step in that direction, as it provided a permanent apparatus for debate. In this way, the simple workings of the congress system, characterized by *ad hoc* conferences without fixed rules, had evolved towards the League, marked by regular held meetings in a formalized

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<sup>151</sup> Following Ikenberry (2001: 28), hegemony or dominance will be defined as a condition in which one state is so powerful that another state, or a combination of states, is deterred from attacking it. Preponderance or superiority, on the other hand, will be defined as a condition in which one state is the most powerful in the state system but in which another state, or a combination of states, is not deterred from attacking it. This distinction seems to be more useful than the rather elusive definitions that distinguish between various forms of primacy with regard to the degree to which the leading state can lay down the law to others (Watson, 1992: 13-16) or the grade to which it has to use force to make others compliant (Bull, 1995: 207-212).

<sup>152</sup> The figures of military deaths for World War I and II are given for the world as a whole.

institution. However, as history demonstrates, even the League was not able to prevent another world war.

### *World War II and the Treaty of Paris*

Although the Treaty of Versailles imposed a heavy burden upon the German economy, the country retained the industrial potential to be the greatest of the European powers (Kennedy, 1988: 392). ‘If events followed their course in the old “free” way’, Alan Taylor noted, ‘nothing could prevent the Germans from overshadowing Europe, even if they did not plan to do so’ (cited in Hinsley, 1961: 224). Indeed, only twenty years after its defeat, Germany sought the mastery of Europe again. When German troops invaded Poland in 1939, Britain and France abandoned their policy of appeasement and forged a worldwide alliance. The subsequent war assumed the classic form of a struggle for European hegemony with the result that the aggressor was ultimately defeated. But unlike previous wars, which had usually ended with the surrender of the defeated army, World War II, even more so than World War I, became a total war in that its horrors extended to the entire citizenry. In addition to 12,948,300 military deaths, between 40,000,000 and 52,000,000 civilians lost their lives.

After this war, at the latest, it was plain that the League of Nations had lost its force. As John Pinder (1995: 1) notes: ‘World War II was a catastrophe that discredited the previous international order and, for many Europeans, the basic element in that order: the sovereign nation-state’. Especially France, having been attacked by Germany three times within 70 years, had strong concerns about a restoration of German sovereignty. When it became clear that the International Ruhr Authority, which had been set up by the Western Allies in the aftermath of the Second World War to exert control over West German heavy industry, could not last forever, France realized that in order to restrain its mortal enemy it had to restrain itself. On 9 May 1950, French Foreign Minister Robert Schuman (1992: 58-59) therefore proposed

that Franco-German production of coal and steel as a whole be placed under a common High Authority, within the framework of an organisation open to the participation of the other countries of Europe.... The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe.... The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible.

German Chancellor Konrad Adenauer described the offer in the following terms:

In his personal letter to me, Schuman wrote that the aim of his proposal was not economic but highly political.... Rearmament would have to begin by increasing coal, iron, and steel production. If an organization such as Schuman envisaged were set up ... both countries [could] discern the first signs of any such rearmament. (Cited in Heater, 1992: 160)

On 18 April 1951, France and Germany, together with Italy, Belgium, the Netherlands and Luxemburg, agreed to Schuman's proposal and erected the European Coal and Steel Community (ECSC) by surrendering sovereignty over their coal and steel industries, the most important levers of conventional warfare, to the High Authority, the executive body of the ECSC. The High Authority, which was made up of nine members, two from each of the larger member states, France, Germany and Italy, and one from each of the smaller Benelux states, assumed control over levels of production, consumption, trade and prices. In exerting this control, the nine members pledged not to act on behalf of their states, and their decisions, made by majority voting, were to apply directly to the member states, without requiring the approval of their governments and parliaments. Article 9 of the Treaty of Paris specified: 'In the performance of these duties, they [the personnel of the High Authority] shall neither seek nor take instructions from any Government or from any other body. They shall refrain from any action incompatible with the supranational character of their duties' (ibid: 162). Hence, for the first time in modern European history a supranational institution had been created. Ever since, no single war has occurred between Western European countries, making it, in S. P. Huntington's (1986: 9) phrase, 'the longest sustained period in modern Western history without war between the major powers'.

For many realists, the absence of armed conflict among Western European states can be explained in terms of the old idea of the balance of power. Because Western European countries found themselves on the same side of the alliance during the Cold War, they did not turn against one another. The same held true for Eastern European countries that jointly balanced against the West. With the bipolar distribution of military power fading after the demise of the Soviet Union, Mearsheimer (1990a: 6) predicted the next decades in Europe to be 'substantially more prone to violence than the past 45 years'. He warned that 'the prospect of major crises, even wars, in Europe is likely to increase dramatically' (Mearsheimer, 1990b: 35). While Mearsheimer was proven right with regard to Eastern Europe, a war between Western European countries has not (yet) materialized. What Mearsheimer did not take into account is that Western Europe had already set up some sort of regional version of the kind of world government that he thinks to be the only escape from the tragic situation of

power politics (Mearsheimer, 2001: xii).<sup>153</sup> Thus, it can be argued that it was, in the first instance,<sup>154</sup> the delegation of sovereignty over the core war-making industries to the High Authority that explains why by now, 68 years after the end of the Second World War and more than 20 years after the end of the Cold War, Western Europe, for all its contemporary faults, has not seen a single war.<sup>155</sup>

### **Rejecting the inequality and invulnerability theses**

Before the next section will make the case for a Hobbesian reading of the High Authority, the present section tests the inequality and invulnerability theses against the evidence gathered in the last section. To recall, Bull observed two difficulties in the analogy between states and individuals, as a result of which the logic of the Leviathan cannot be applied internationally. The first difficulty is that states are not as vulnerable to attack as individual people. Since armed attack by a state does not bring with it a prospect comparable to the killing of an individual, the most miserable aspects of the interpersonal state of nature are alleviated in the international state of nature. The second difficulty Bull identifies is that states lack the fundamental equality of individual people. While it is the equal vulnerability of people to one another that makes it desirable for *all* people to accept the security provided by a common authority, for great powers, being secure from the attack of small powers, international anarchy is tolerable to a degree that they are unwilling to replace it with a common authority.

But even if great powers are secure from the attack of small powers, are they not insecure with regard to one another? Cannot great power war on its own render

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<sup>153</sup> Dirk Spierenburg (1994: 10), former member of the High Authority, describes it as ‘an embryonic federal European government’. Similarly, Forsyth (1994) sees the EU as some kind of federal state. Were a ‘completed’ EU to be globalized, Wendt (2003: 506) has recently argued, ‘it would be a world state’.

<sup>154</sup> Of course, situations can obtain different supporting conditions later on (Wæver, 2000: 75). It is plausible, for example, that the partial delegation of sovereignty to the High Authority led to the formation of what Deutsch (1957) has called a ‘security community’, where expectations of non-war added another pillar of peace and security to European unity. Wæver (2000: 75) concludes that ‘a study of “security communities” should not focus on origins but try to grasp the clashing social forces that uphold and undermine “expectations of non-war”’. Here I am merely concerned with original causes.

<sup>155</sup> In recent times of financial and economic turmoil, where some voices call for a disintegration of the EU, it seems to be all the more important to remind ourselves of the virtues of European integration – just as Hobbes once felt obliged to remind his compatriots of the virtues of the state when England was going through a time of civic and political turmoil. The awarding of the Nobel Peace Prize to the EU seems to be the right signal in this regard. As Herman van Rompuy (2012), President of the European Council, put it in his Nobel Peace Prize speech: ‘Of course, peace might have come to Europe without the Union. Maybe. We will never know. But it would never have been of the same quality. A lasting peace, not a frosty cease-fire’.

international anarchy intolerable? Bull (1995: 201) seems to dismiss the point on the ground that great power war is an extremely rare event. A great power, he says, 'first and foremost' takes actions to preserve the general balance of power (ibid). '[I]nstead of pursuing the goal of absolute expansion of its power', it 'seeks to limit ... [its power] in relation to the power of the other' (ibid: 101). This view coincides with defensive realism, holding that 'the first concern of states is not to maximize power but to maintain their positions in the system' (Waltz, 1979: 126). For defensive realists, it is strategically foolish to pursue hegemony because it provokes hostile alliances. Thus, if all states follow the national interest, there should be no war among great powers.

This, however, is not Hobbes's view, for he believes that even the strong are in constant violent struggle with one another. In accordance with his claim that 'there is no way for any man to secure himself, so reasonable, as ... by force, or wiles, to master the persons of all men he can' (Hobbes, 1998: 83), Hobbes imagines states to 'enlarge their dominions, upon all pretences of danger, and fear of invasion, ... and endeavour as much as they can, to subdue, or weaken their neighbours, by open force, and secret arts, for want of other caution' (ibid: 111-112). This view coincides with offensive realism, holding that it is the ultimate goal of states to gain a position of hegemonic power over others, 'because having dominant power is the best means to ensure one's own survival' (Mearsheimer, 2001: xi). For offensive realists, states do not ask which distribution of power best facilitates stability and then do everything possible to build or maintain such an order, but maximize their power over potential adversaries as soon as they are in a position to do so. Hence, great power war will arise whenever there is a potential hegemon on the scene.

The analysis conducted in the last section suggests that the past behaviour of great powers has been more in line with the predictions of offensive rather than defensive realism. Louis XIV, Napoleon, Wilhelm II and Hitler did not seek a balance of power but were in pursuit of hegemony. Every such bid arose out of the momentary preponderance of the respective state. France's two attempts to dominate the European state system were a direct result of the country's ascendancy after the Thirty Years War. When Germany became the greatest power after its defeat of France in 1871, it was because of its materially superior position that it made two drives for hegemony. Since the best way to guarantee security is to be the hegemon, states, whenever in a preponderant position, sought to transform their preponderance into dominance. '[T]he most conspicuous theme in international history', Wight (1995: 30) notes, 'is the series

of efforts, by one power after another, to gain mastery of the states-system'. In this sense, there is a complete equivalence between the Westphalian state system and the Hobbesian state of nature.

But the evidence also accords with Hobbes's (1998: 82) proposition that in the state of nature the weakest has strength enough to defeat the strongest 'by confederacy with others, that are in the same danger'.<sup>156</sup> When France, under Louis XIV and Napoleon, and Germany, under Wilhelm II and Hitler, threatened to become too strong, all, or almost all, of the other European powers bound themselves into an alliance. In every single case the expansionist state was overthrown before it was able to establish hegemony over the European system. As Stephen Walt (1987: 28-29) observes, 'every attempt to achieve hegemony in Europe since the Thirty Years War has been thwarted by a defensive coalition formed precisely for the purpose of defeating the potential hegemon'. But then the inequality thesis, most clearly articulated in Beitz's (1979: 48) statement that states, unlike persons, are not of relatively equal strength because there is 'no assurance that an offending state can be effectively coerced by a coalition of other states', must be rejected with a view to the period under investigation.<sup>157</sup>

How does the invulnerability thesis fare in light of the empirical evidence? The data presented on the severity of wars suggests that battle-connected deaths of military personnel have at least doubled with each examined war: the Dutch War, lasting from 1672 to 1678, took 342,000 lives of soldiers. Twice that number, 680,000 soldiers, fell prey to the Nine Years War. The number of deaths further doubled to 1,251,000 in the War of the Spanish Succession from 1701 to 1713. In the Coalition Wars, lasting with some breaks from 1792 to 1815, a total of 2,532,000 soldiers died on the European

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<sup>156</sup> Hobbes goes even further to suggest that in the state of nature the weakest has strength enough to kill the strongest. As I argue below, the analogous prospect holds true for the international state of nature in the nuclear age.

<sup>157</sup> While the fact that between 1648 and 1945 the respective strongest state in Europe had been ultimately defeated by a hostile coalition appears to contradict Bull's assumption that in international relations the weak have not strength enough to defeat the strong, the absence of alliances to counter US preponderance after 1945 seems to serve as a precedent of his thesis. By 1950, the GNP of the US outnumbered the combined GNP of the USSR, Britain, France, West Germany, Japan and Italy (Kennedy, 1988: 475). Until the 1960s, the US spent annually more on defence than the USSR, Britain, France, West Germany and Japan combined (ibid: 495). From the evidence of 300 years of modern European history one would certainly predict that a coalition would form to fight US superiority. One reason for why until today no such coalition has evolved is that the US acquired a comprehensive arsenal of nuclear weapons after the Second World War. Because no state, or a combination of states, could attack the US without triggering its own destruction, the US – and, this is the irony of the nuclear age, every other state with a nuclear second strike capability – attained a dominant position within the international system. Dominance, to recall, was defined as a condition in which a state is so powerful that another state, or a combination of states, is deterred from attacking it.

battlefields. The death rate was outnumbered in the First World War when the number of military victims more than tripled to a total of 7,734,300. By the time of the Second World War, conventional warfare had become so deadly that it took 12,948,300 lives of military personnel. If we compare the Dutch War of the seventeenth century with the Second World War of the twentieth century, both being fought over six years, we can see that in the latter almost 38 times as many soldiers lost their lives.

In the case of a nuclear war, these figures would assume unprecedented proportions. Deudney (1995b: 228) points to the fact that the armed violence capability of nuclear states increased between 1870 and 1970 by a factor of nine billion. In light of this, it does not overstate the case to say that, given another general war, the survival of the state as a whole would be at stake. As B. V. A. Röling (1990: 283) notes: '[I]f nuclear weapons ... are ever used, the contesting parties will be totally destroyed; and there may be a risk, according to some experts, that human life on earth will no longer be possible'. Even Bull (1995: 274) has to admit that one consequence of the nuclear revolution is 'the possibility of instant and global destruction'. But then it is no longer possible to take Clausewitz's view that war cannot take the form of an instantaneous blow and that it can never be absolute in its results. On the contrary, nuclear weapons make 'the interstate system akin to Hobbes's "state of nature" because it is possible for political collectivities to suffer a sudden and comprehensive death' (Deudney, 1995a: 95-96). The invulnerability thesis therefore no longer holds true.

Note that the severity of general wars was not only becoming greater; with the exception of the Second World War, the period of fighting in general wars was also becoming shorter: hostilities in the wars of Louis XIV lasted for 27 years, compared to 21 years in the Coalition Wars and four years in the First World War. In this context, Toynbee (1954: 257) has observed that the

progressive concentration of general warfare within an even smaller number of years at an even higher degree of intensity had resulted in the recurrent general wars working greater havoc in the life of the Western Civilization than they had worked when they had been carried on more desultorily over longer time-spans.

As such, the 'relative mild perennial malady' of the seventeenth century 'was in many ways more tolerable and less dangerous than a series of occasional sudden violent epidemics' as they occurred in the twentieth century (ibid). In this respect, one can appreciate how Hobbes, writing in the seventeenth century, did not think that international relations were so intolerable and dangerous that states would have an

incentive to move towards a common authority. Yet with relations among European states coming to resemble relations among Hobbesian individuals over the course of the next three centuries, it seemed to be only a question of time that states would make that move.

### **Hobbes and the High Authority**

The repeated efforts of European states to create ever stronger power-restraining mechanisms seem to support Kant's argument that the destructiveness of war is positively correlated to the scale on which it is functional for actors to cooperate. Just as the idea of a balance of power was a reaction to the Wars of Louis XIV, and the more sophisticated congress system an answer to the Coalition Wars, so was the formalized League of Nations a response to World War I. Yet the post-WWII settlement, giving rise to regional and global organizations such as the Organization for European Economic Co-operation (OEEC) and the United Nations (UN), meant no substantial departure from traditional forms of intergovernmental cooperation.<sup>158</sup> This was a blow to many of those who had experienced the atrocities of World War II first-hand. What must it take, these people asked, if not a war as horrible and disastrous as the Second World War for supranational institutions finally to emerge? Jean Monnet (1972: 272), on the occasion of the signing of the OEEC, complained that the '[e]fforts by the various countries, in the present national frameworks, will not in my view be enough.... I believe that only the establishment of a federation ... will enable us to ... prevent war'.

In face of the post-WWII settlement, several commentators questioned Kant's premise that a hidden plan of nature, relying on the increasing destructiveness of war, would bring about the institutions that make war impossible. Stanley Hoffmann (1963: 325), pointing out that it 'required two world wars to establish two rather weak world organizations', cast serious doubts on the Kantian logic.<sup>159</sup> But also Hobbes's

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<sup>158</sup> In the 1950s, Wight (1992: 33-34) argued that the UN Charter is a Hobbesian social contract and the UN Security Council a Hobbesian sovereign. What was left after a succession of changes and amendments to the first draft of the Charter, though, was a document that had little in common with Hobbes's idea of an 'unlimited contract, whereby we all reduce our will to *one* will' (Wight, 1987: 222; my emphasis). Requiring the unanimity of five states defined as great powers, the architecture of the UN Security Council is certainly closer to the Concert of the nineteenth century than to a supranational body. What is more, the Security Council did not turn out to be very effective. As Wight (*ibid*: 222-223) had to acknowledge, 'later ... it appeared that the Hobbesian sovereign of the UN was a schizophrenic paralytic incapable of action'.

<sup>159</sup> See also Niebuhr (1948: 379), who argued that 'technological achievements ... have created, or at least accentuated, our insecurity' without having 'integrated it organically, morally or politically', and



assumption that it is the fear rather than the actual experience of violence that makes people enter into a civil state was called into question.<sup>160</sup> In 1946, Reinhold Niebuhr (1950: 137), another realist scholar, published an article with the title ‘The Myth of World Government’ in which he argued that ‘the creative power of fear does not increase in proportion to its intensity’. The real world developments at the time seemed to prove him right.

Yet four years later, Schuman and Adenauer, precisely because of their fear of Europe tearing itself asunder in ever more destructive wars, laid the foundations for European integration. In his declaration on 9 May 1950, Schuman (1992: 58), in a language highly reminiscent of Niebuhr, wrote that ‘[w]orld peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it. The contribution which an organised and living Europe can bring to civilisation is indispensable to the maintenance of peaceful relations’. This, in fact, is a refrain common to many European leaders during that time. In 1946, Winston Churchill (2003: 10), in a speech at Zurich University, called for a ‘United States of Europe’ on the ground that if ‘Europe is to be saved from infinite misery, and indeed from final doom, there must be an act of faith in the European family’. Two years later, British Foreign Secretary Ernest Bevin suggested in the House of Commons that, if Western civilization were to survive, it would be necessary to develop ‘some form of union in Western Europe’ (cited in van Kleffens, 1957: 83). Equally, for Hallstein (1972: 17-18), the first President of the European Commission, the

use of modern weapons would mean suicide.... It took the boundless excesses of the nationalistic policy in the Second World War, and the equally total disaster they caused, to make obvious that in politics, and in economic also, the countries of Europe must sink or swim together. The holocaust left no doubt about the need for unity.

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Morgenthau (1993: 343), who claimed that ‘in no period of modern history was civilization more in need of permanent peace and, hence, of a world state, and that in no period of modern history were the moral, social, and political conditions of the world less favorable for the establishment of a world state’. These views stand in sharp contrast to Kant, for whom it is precisely the need for a solution that creates the conditions that make it possible. In this context, consider also Carneiro’s claim that ‘[g]overnments that are not capable of agreeing with each other, even to the extent of accepting one another’s right to exist and desisting from the use or threat of force in resolving their disputes, can scarcely be thought capable of agreeing to entrust their security and other vital interests to a world authority’ (cited in Ostrovsky, 2007: 310). For Kant, not less, but more violence increases the prospects for beneficial transformation.

<sup>160</sup> For a combination of Hobbes’s and Kant’s arguments, see Watson’s (1992: 321) claim that ‘as technology becomes more dangerous and the damage done by major warfare more irreparable, the fear of warfare makes us more willing to sacrifice a degree of independence in order to place effective limitations, but not a total ban, on a resort to force’.

This position is also expressed by Monnet (2003: 20), the first President of the High Authority, when he argued that

science is repeatedly creating new powers of destruction. This faces us with the greatest threat humanity has ever had to deal with. The issue today is no longer peace or war, but the triumph or destruction of civilized life. We cannot assume that we shall avoid such destruction. We have only to look back on the last fifty years to see how constant the risk of upheaval has become.

Indeed, in 1950, Monnet warned that the ‘German situation is rapidly becoming a cancer that will be dangerous to peace in the near future’, which ‘will lead inevitably to her [France] being effaced’ (cited in Vaughan, 1976: 52, 55). Thus, ‘[t]he solution to the European problem is all-important to the life of France’ (Monnet, 1972: 222). What these statements suggest is that it was more than anything else the fear of another war sliding Europe into the abyss that prompted European states to set aside issues of sovereignty and subject their heavy industries to supranational control.<sup>161</sup>

By jointly signing a contract (the Treaty of Paris) that transferred their right of nature (their sovereignty over the essential war industries) to some kind of Leviathan (the High Authority), France, Germany, Italy and the Benelux countries were able to pass from their Hobbesian anarchical world into some analogue of the Hobbesian civil state. Of course, there is almost always a gap between theory and practice, as a result of which the correspondence between the social contract and the Treaty of Paris, the right of nature and sovereignty over one’s heavy industries, and the Leviathan and the High Authority must ultimately remain imperfect.

Because the Treaty of Paris did not assume the form of covenant, that is, one contractor delivers ‘the thing contracted for on his part, and leave[s] the other to perform his part at some determinate time after’, but that of a contract, that is, ‘the mutual transferring of right’ (Hobbes, 1998: 89), questions about the rationality of performing (where others have performed already or where others are yet to perform) as they were discussed in chapter 2 did not arise. However, there was a somewhat similar problem present in that only a small number of parties signed the Treaty of Paris. The reason for Hobbes to insist on collective contracting is that a big enough

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<sup>161</sup> This is not to say that the ECSC did not also involve economic benefits. After all, the creation of the ECSC led to the removal of all custom barriers to the sale of coal and steel among the six participating countries. Rather, the point is that the ECSC was first and foremost a political enterprise, ‘harnessing economic means to political objectives’ (Wallace, 1994: 19). As Adenauer (1992: 67) emphasized in his address to the German Bundestag on 12 July 1952: ‘[T]he political goal, the political meaning of the European Coal and Steel Community, is infinitely larger than its economic purpose’. Similarly, Hallstein (1972: 22) made clear that ‘although the process of integration may be termed “economic,” it is in fact essentially political’.

group of people standing outside the contract would pose a substantial threat to the people within the contract, thus minimizing the chance of people contracting in the first place (Heller, 1980: 27). One explanation for why considerations of this kind did not figure in the setting up of the ECSC is that the US, some sort of external Leviathan, issued a security guarantee to Western Europe. With the Berlin Airlift of 1948-1949, at the latest, it was clear that America would use its military and, if necessary, nuclear capacities to protect its Western European allies. As a result, the contracting parties had no reason to feel threatened by the parties standing outside the contract, first and foremost the Soviet Union. Besides providing ‘a skeletal frame of security’ in which the ‘tissues’ of European institutions were able to grow (Deudney, 2007: 232), the US also actively supported the creation of the ECSC. Schuman’s plan was welcomed by the US administration not only as a further step in the economic recovery of Europe, but also as a long-term commitment to free markets as opposed to the Soviet model of state ownership (Smith, 2012: 221). Thus, the general problem of why parties should transfer their right of nature to a higher authority when other parties have not (yet) transferred theirs, which was solved in theory by appealing to the long-term self-interest of the parties, was solved in practice by the presence of a malevolent Soviet threat and a benevolent American hegemon (Wallace, 1994: 11).

The American security umbrella may also have been the main external reason for why the High Authority did not develop into the kind of omnipotent Hobbesian sovereign with its own military. As Deudney notes: ‘American hegemony in Europe has significantly reduced the security imperatives for Europeans to more fully integrate their own military authorities and capabilities’ (ibid). By providing security from outside, Robert Kagan (2003: 58) affirms, ‘the United States rendered it unnecessary for Europe’s supranational government to provide it’. But the endowment of the High Authority with a monopoly on the legitimate use of violent force seemed to be unnecessary for internal reasons too. All that was required to avoid another war, Schuman (1992: 59) argued, was for countries to pool their coal and steel production in a way that it would be materially impossible for them ever to fight each other again. Indeed, by subjecting the most important war industries of the time to supranational control, rearmament was made much more difficult to undertake.<sup>162</sup> Another internal reason for why the High Authority did not turn into the all powerful and greatly feared sovereign of Hobbes’s imagining was that the Benelux countries were deeply

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<sup>162</sup> In the early 1950s, more than 70% of the energy needs of Western Europe was met by coal, and no state could have an effective army without steel (Thody, 1997: 3).

concerned about the High Authority having, in the words of Dutch Prime Minister Dirk Spierenburg (1994: 12), ‘dictatorial powers’. Consequently, the Dutch delegation proposed the creation of a Council of Ministers to which the High Authority would be accountable. Together with the Common Assembly, these institutions ensured a separation of powers.

Lastly, there is the question in how far a state’s renunciation of some part of its sovereignty corresponds to a person’s renunciation of his or her right of nature, that is, some part of his or her liberty. If we follow Walzer (2006: 53), the two are directly analogous, for he sees in a state’s sovereignty the domestic analogue to a person’s liberty (see chapter 5). The question then becomes whether the heavy industry is to a country what the right of nature is to a person. In both cases, it seems, actors sacrifice a portion of the means with which they seek their own survival and well-being. One might still argue that the portion that the six founding states transferred to the High Authority does not live up to the portion that Hobbesian individuals transfer to the Leviathan, but this should not take anything away from the fact that even the partial transfer of sovereignty to a higher authority, voluntary and without compulsion, was unprecedented in international relations up to that point. As Adenauer (1992: 67) put it in his address to the German Bundestag: ‘I believe that for the first time in history, certainly in the history of the last centuries, countries want to renounce part of their sovereignty, voluntarily and without compulsion, in order to transfer the sovereignty to a supranational structure’. The motivation behind this transfer, it has to be stressed, was one of self-interested reciprocity: driven by an existential fear, the six founding states accepted a reciprocal limitation of part of their good (sovereignty) in order to reap an even greater good (security).

Thus, in 1958, with the benefit of hindsight, Karl Jaspers came to a conclusion very different from the one Niebuhr arrived at a decade earlier: for ‘forms of political existence which make ... war itself impossible’ to come about, Jaspers wrote, in a way that could not be more confirmatory of Hobbes, ‘what needs increasing is the fear of the people’ (Jaspers, 1958: 14, 327). One year later, even Niebuhr, for whom the success of European political integration did not go unnoticed, seemed to change his view about the creative power of fear when he tentatively suggested that the fear of mutual annihilation could facilitate the building of a world state (Niebuhr, 1959: 32, 266; see also Craig, 2003: 171-172 and Scheuerman, 2011: 75-76). And also Kant’s argument saw a renaissance in light of the European integration process. Already in his

1963 article, Hoffmann (1963: 332) asked whether not the European Community (EC) must be seen an international institution of Kant's imagining. Three years later he answered in the affirmative, arguing 'that the unity movement in Europe was precisely an attempt at creating a regional entity, and that its origins and its springs resembled, on a reduced scale of half-continent, the process dreamed up by Kant in his *Idea of Universal History*' (Hoffmann, 2003: 166). Hence, we must conclude with Hurrell (1990: 205) that the relevance of Kant's work is strengthened by the validity of his prediction that ever more damaging wars would make a peaceful society possible.

The question that remains, though, is why integration originally took place only 'on a reduced scale of half-continent' and did not encompass the entire continent, not to mention the whole world. Besides the partial answer that soon after the Second World War the countries of Eastern Europe became either satellites or part of the Soviet Union (Spinelli, 1957: 44), it is, again, illuminative to take a look at Kant, for whom it is the *experience* of a dreadful past that motivates people to overcome that past. As Hurrell notes: 'It is war itself, the *memory* of past suffering and destruction and, above all, the ever-present possibility of slipping back into such a state that forms the essential driving force behind Kant's view of progress' (Hurrell, 1990: 197; my emphasis). While the Second World War was exactly this, a world war, the actual experience of that war differed considerably from place to place. With most of the fighting taking place in central Europe, it was these countries that arguably suffered the most. For Hallstein (1972: 22), then, 'it is no coincidence that the combined territories of the six founder-members of the European Community cover virtually that part of free Europe which the nationalistic excesses of the Second World War had brought to the brink of complete destruction'. Ian Bache and Stephen George (2001: 61) point out that Britain, having neither been defeated nor occupied in World War II, had a very different memory of the war. William Wallace (1994: 17) and Martin Dedman (1996: 22) make a similar point when they draw attention to the fact that the neutral states of Ireland, Spain, Portugal and Sweden were not subjected to the full consequences of national collapse. For these countries, the need for closer political ties seemed to be less urgent than for those countries whose populations had experienced the horrors of World War II at first hand. When Britain, Ireland, Spain, Portugal and Sweden eventually joined the European Community, their motives were primarily economic, as the next section will demonstrate.

## **Economic integration in Europe from 1957 to 1993**

Having shown that European political integration broadly conforms to the dictates of Hobbes's political theory, the following three sections explore whether European economic integration can be framed by Rawlsian ideas. As noted above, Rawls (1973: 4) defines society as 'a cooperative venture for mutual advantage'. Analogizing from his intuitive idea that for such a cooperative venture to be workable, the 'distribution of benefits and burdens of social cooperation' (ibid) needs to be 'such as to draw forth the willing cooperation of everyone taking part in it' (ibid: 15), this section asks whether cooperative ventures at the European level were accompanied by distributive efforts to ensure that states could approve of these ventures.<sup>163</sup>

In order to operationalize this question, I examine the EU's various *redistribution* instruments; monitoring how these instruments and their resources evolved in response to the major *integration projects*. Dunford *et al.* (2000: 5) have distinguished between three dimensions of *redistribution* (or what they call cohesion), ranging from social redistribution (reducing inequalities between individuals) and interregional redistribution (reducing inequalities between regions) to international redistribution (reducing inequalities between nations). Following integration theory, *integration* will be understood in terms of both widening and deepening. The period of investigation is from 1957, the year of the signing of the Treaty of Rome, to 1993, when with the Cohesion Fund for the first time in European history an international redistribution instrument was set up.<sup>164</sup> With regard to widening, the major *projects* falling into this period are the foundation of the Community by France, Germany, Italy and the Benelux countries (The Inner Six), the entry of Britain, Ireland and Denmark (The First Enlargement), the accession of Greece, Spain and Portugal (The Mediterranean Enlargement) and the joining of Sweden, Finland and Austria (The Northern Enlargement). With regard to deepening, the major *projects* in this period are the creation of the European Economic Community (EEC), the establishment of the European Monetary System (EMS), the completion of the Single European Market (SEM) and the introduction of a single currency (EURO). It will be shown that the redistribution instruments that accompanied each stage of integration reveal a tendency

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<sup>163</sup> Rawls proposes his two principles of justice as a fair basis on which people could expect the willing cooperation of others. In the following, I shall be satisfied when the cooperative ventures are mutually advantageous and when they systematically advance the position of the least advantaged.

<sup>164</sup> As such, I am not concerned with the current financial crisis of the Eurozone, which was mainly sparked by the global financial crisis of 2008. In any event, it seems to be too early to make a final judgement of how this ongoing crisis affects the political, economic and financial institutions of Europe.

towards greater amounts of resources and greater units of redistribution (as specified by Dunford *et al.*).

### *The Inner Six and the EEC*

In the last section, it was argued that the impulse for European integration was a political one. The political character of the ECSC becomes also apparent when one considers its objectives as they are stated in the Preamble to the 1951 Treaty of Paris:

CONSIDERING that world peace can be safeguarded only by creative efforts commensurate with the dangers that threaten it,  
CONVINCED that the contribution which an organized and vital Europe can make to civilization is indispensable to the maintenance of peaceful relations,  
RECOGNIZING that Europe can be built only through practical achievements which will first of all create real solidarity, and through establishment of common bases for economic development,  
ANXIOUS to help, by expanding their basic production, to raise the standard of living and further the works of peace,  
RESOLVED to substitute for age-old rivalries the merging of their essential interests; to establish, to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforth shared,  
HAVE DECIDED to create a European Coal and Steel Community.  
(Treaty Establishing the ECSC, 2003: 16)

Six years after the signing of the Treaty of Paris, the six member states met again, this time at Rome, to sign another treaty. The 1957 Treaty of Rome, establishing the EEC,<sup>165</sup> was much more economical in character, as is evident from its Preamble:

DETERMINED to lay the foundations of an ever closer union among the peoples of Europe,  
RESOLVED to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe,  
AFFIRMING as the essential objective of their efforts the constant improvement of the living and working conditions of their peoples,  
RECOGNIZING that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition,  
ANXIOUS to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions,  
DESIRING to contribute, by means of a common commercial policy, to the progressive abolition of restrictions on international trade,  
INTENDING to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations,

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<sup>165</sup> The second institution that was established by the Treaty of Rome was the European Atomic Energy Community (Euratom). In 1967, the executive bodies of Euratom, the EEC and the ECSC were merged. In 1993, the EEC was renamed EC and made to constitute, together with Euratom and the ECSC, the first pillar of the EU.

RESOLVED by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join their efforts,  
HAVE DECIDED to create a European Economic Community.  
(Treaty Establishing the EEC, 2003: Preamble)

Comparing the Preamble to the Treaty of Paris with the Preamble to the Treaty of Rome, one can detect a shift from political to economic concerns: while the term ‘peace’ figures three times in the Preamble to the Treaty of Paris but only once in the Preamble to the Treaty of Rome, the term ‘trade’ is mentioned twice in the latter treaty but not once in the former. As war among Western European states became unthinkable, ‘peace and liberty’ gave way to ‘economic and social progress’.

Economic progress was sought through the creation of a common market. With reference to traditional trade theory, which predicts that in a free trade area productivity will increase because countries will specialize in those activities in which they have a comparative advantage, the Treaty of Rome commits the member states to the abolition of all trade barriers within twelve years. While market integration is likely to enhance the overall output, it is widely acknowledged that its costs and benefits are unevenly distributed. It is for this reason that the Treaty of Rome also includes a social dimension. In its Preamble, the treaty asks the member states ‘to strengthen the unity of their economies and to ensure their harmonious development’ (ibid). This goal is restated in Article 2, calling for ‘a harmonious development of economic activities, a continuous and balanced expansion’ (ibid: Article 2).

One instrument that contributes towards ‘harmonious development’ is the European Social Fund (ESF). This instrument was designed to combat unemployment in the less developed parts of the Community, and in the southern part of Italy in particular. Indeed, the ESF was included in the Treaty of Rome precisely as a concession to Italy, whose backward southern industries would be exposed to an increasingly competitive European market (Wallace, 1994: 67). The European Agricultural Guidance and Guarantee Fund (EAGGF), giving direct payments to farmers, and the European Investment Bank (EIB), providing relatively low interest loans to businesses, also played a modest distributive role. In general, though, distributive issues were not recognized as a serious problem in the early years of European economic integration. As Dunford *et al.* (2000: 2-3) point out,

this was the Golden Age of the Western European economies, characterized by rapid economic growth, high employment rates, and relative monetary stability. The overall size of the cake grew constantly bigger and European integration continued to be



perceived as a positive-sum game in which there were gains to be made by all countries involved.

This was to change in the following decades when countries with substantial regional problems joined the EEC.

### *The First Enlargement and the EMS*

During the 1960s, the European Commission, with the backing of Italy, made a number of attempts to introduce a European regional fund. Yet the other five member states, in spite of their commitment to reduce ‘the differences existing between the various regions and the backwardness of the less favoured regions’ (Treaty Establishing the EEC, 2003: Preamble), showed little interest in such a distributive instrument. It was only in the 1970s that the creation of a European regional fund became a real issue. Ian Bache (1998: 46), in his detailed study of European regional policy, shows that two factors were particularly important in elevating the status of regional policy in the early 1970s: ‘[E]nlargement of the Community and the political imperatives of economic and monetary union’ (see also Allen, 2005: 216). Let us consider the two factors in turn.

After Britain’s unsuccessful applications for EEC membership in 1961 and 1967, it was eventually accepted in 1973. In the meantime, the six original member states had set up the Common Agricultural Policy (CAP), which entailed extensive transfers to agrarian-oriented countries like France via the Community’s budget.<sup>166</sup> As a result, the benefits that Britain hoped to accrue from free trade seemed to be offset by the country’s large contributions to the budget. To avoid the anticipated financial loss from membership, Britain, whose northern regions were considerably poorer than its southern regions, made the creation of a European regional fund a high priority. But domestic parameters played a role too. As Mark Wise and Gregory Croxford (1988: 173) highlight, the Heath government of 1970-1974, facing a suspicious electorate at home, was urgently in need of showing a sceptical public that concrete benefits were resulting from EEC membership. Accordingly, the British government ‘prioritized the

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<sup>166</sup> Today, the budget’s revenues are generated by four main sources – two external and two internal. The external sources consist of agricultural levies and the EU’s Common External Tariff (CET). The internal sources consist of a tax on national Value-Added Tax (VAT) revenue and a tax on each member’s GNP. This has the effect that countries with high levels of domestic taxation and economic output contribute more to the Community’s budget than countries with low levels.

creation of a regional fund as a means of both reimbursement and of demonstrating the benefits of membership to its domestic constituencies' (Bache, 1998: 44).

Britain's demand for a regional policy was strengthened by the accession of Ireland, another country with huge regional disparities. Together with Italy, which from the very beginning had been in favour of a European regional policy, they pushed for the creation of a European regional fund. Ireland and Italy even threatened to boycott the 1974 Paris Summit unless the other member states gave a firm commitment to establishing such a fund (George, 1996: 195). Hence, the member states, 'largely in response to Irish and Italian threats' (Bache, 1998: 41), agreed at the Paris Summit to establish a European Regional Development Fund (ERDF) under Article 235 of the Treaty of Rome, coming into force on 1 January 1975. At first, ERDF spending was envisaged to last only for a three-year period and to total less than the ECU 257.6 million that were eventually approved (ibid: 88). That the fund became a permanent instrument with significant resources was mainly a result of the Community's drive towards monetary union.

By the end of the 1960s, it had become clear that there could never be a true common market without a single currency. At the Hague Summit of 1969, the member states therefore agreed to work towards an Economic and Monetary Union (EMU). But at this summit it was also acknowledged that some form of action would be needed to remedy the regional disparities that were likely to prejudice the attainment of EMU (ibid: 36). This position was subsequently adopted by the Commission, as well as Britain, Ireland and Italy, who were concerned that moves towards EMU would have adverse effects on their economies (Ludow, 1982: 117). According to George (1996: 194), '[t]he insistence of Britain, Ireland, and Italy that they could not take the first steps towards EMU if there were no regional fund was an important factor in securing West German acceptance'. West Germany, casting an interested eye on Britain as an export market, 'was prepared to provide financial transfers only in exchange for policy *quid pro quos*, such as British membership and participation in the EMU' (Moravcsik, 1999: 258). Thus, a more extensive program of regional subsidies was created, 'carefully designed to include substantial British participation' (ibid: 303).

This pattern – an increase in regional spending as a response to threats to veto closer monetary integration – was repeated in 1977 when the establishment of a European Monetary System (EMS) was at stake. Designed to control fluctuations in exchange rates, the EMS posed problems to the poorer countries, which would find it

harder to manipulate the exchange rate of their national currencies as a means to protect their industries and increase their exports. For Wise and Richard Gibb (1993: 222-223), it was considerations like these that led countries like Italy and Ireland to demand an enlargement of the ERDF as a price for their acceptance of the EMS. Richer countries like Germany and France, on the other hand, 'could see little national interest in a strong Community regional policy, but the prospect of a European Monetary System (EMS) which would facilitate their massive trade transactions with the rest of the Common Market was attractive' (ibid). It is against this background that the parties struck another mutually beneficial deal, doubling ERDF spending in exchange for closer monetary integration.

### *The Mediterranean Enlargement and the SEM*

While the ERDF emerged from the entry negotiations of Britain, Ireland and Denmark, plans for EMU and the establishment of the EMS provided for successive increases in resources. The next boost to ERDF spending came in 1986 with the signing of the Single European Act (SEA). According to George (1996: 198), this increase in resources was 'a result of two developments: the further enlargement of the EC at the start of 1986, which brought Spain and Portugal, another two relatively poor southern states, into the EC; and the drive to free the internal market by the end of 1992' (see also Belaud, 1992: 20; Bache, 1998: 67; Vanhove, 1999: 488). In the next few paragraphs, these two developments will be considered in greater detail.

The 1980s saw two rounds of enlargement – the accession of Greece in 1981 and the entry of Spain and Portugal in 1986. As the three countries were formerly ruled by authoritarian regimes, political considerations played a decisive role in the entry negotiations. But economic considerations were far from absent. For the member states, Mediterranean entry meant new capacious markets and a regional low-cost production base. For the entrants, the economic benefits from membership were not that tangible. On the contrary, market integration was likely to have a negative impact on the countries' traditional businesses and industries. Doubting that existing ERDF resources would be adequate to counteract these negative effects, Greece, Spain and Portugal demanded compensation through an increase in regional policy expenditures. Indeed, Spain made an enlargement of the ERDF a part of its negotiation position in terms of entry (George, 1996: 201). Accordingly, the member states had little choice but to accept an increase in financial transfers as 'a necessary part of the political and

economic package that brought these developing countries into the EC and opened their markets to its goods and investments' (Wallace, 1994: 68).

Although the creation of new resources owed much to the Iberian accession, the drive towards a Single European Market (SEM) acted as a catalyst in this regard. In the early 1980s, businessmen and policymakers claimed that the abolition of tariff barriers and quantitative restrictions had not been enough to unleash the full range of efficiency gains that had been expected to flow from free trade. In a White Paper to the Council, the European Commission (1985) presented its plans for a SEM in which all remaining physical, technical and fiscal barriers to the movement of people, goods and services would be removed by the end of 1992. While the Commission was 'firmly convinced that the completion of the Internal Market will provide an indispensable base for increasing the prosperity of the Community as a whole', it expressed its concern that 'by increasing the possibilities for human, material and financial services to move without obstacle to the areas of greatest economic advantage, existing discrepancies between regions could be exacerbated' (ibid).

There were in fact widespread fears among the less prosperous countries that the adverse effects of heightened competition would fall disproportionately on their relatively underdeveloped economies. To compensate for the anticipated losses, Italy and Ireland, together with the accession states, demanded an increase in regional spending. As George (1996: 198) notes:

For the coalition of peripheral member states – now comprising Italy, Ireland, Greece, Spain, and Portugal – an increase in the funds that redistributed wealth from the centre to the periphery of the EC was essential if they were to have any chance of benefiting from the post-1992 free market. It was therefore a condition of their participation in the whole exercise, without which they would have blocked all progress.

The member states that profited from further market integration, first and foremost Germany, therefore had a self-interested reason to satisfy these demands:

The richer member-countries, especially the Federal Republic, are naturally providing this massive financial backing in their own interest. They want to set up a single market for the benefit of their industries and service trades.... [F]ailing financial assistance of this kind, the four poorest member-states would have been left with no choice but to refuse to join the single internal market. (Hauser, cited in George, 1996: 199)

What followed was almost a repetition of the same old story: the signing of the SEA in 1986, launching the SEM, was linked with the promise that the allocations to the ERDF would double in real terms between 1987 and 1993.

At the same time, the ERDF was given a treaty base with the insertion of Articles 130a to 130e (now Articles 158 to 162) into the Treaty of Rome. These new articles tried to link the objective of ‘harmonious development’, previously mentioned only in a very general manner in the Preamble and in Article 2 of the Treaty of Rome, with specific policy instruments. While Article 130a specifies that ‘[i]n order to promote its overall harmonious development, the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion’ (cited in Dunford, 2000: 3), Article 130b asks the Community to support the achievement of this aim through the ERDF, ESF and EAGGF. Article 130d then calls for a reform of the three funds to ‘co-ordinate their activities between themselves’ and to ‘increase their efficiency’ (ibid).

This reform was put into effect in 1988, when the ERDF, ESF and EAGGF became known as the Structural Funds and were focused on the following five objectives:

- Objective 1: Promotion of development in regions where the GDP per capita is less than 75%
- Objective 2: Economic adjustment in regions that are affected by industrial decline
- Objective 3: Fight against structural unemployment
- Objective 4: Facilitation of the adaption of workers to industrial change
- Objective 5a: Promotion of structural development in agriculture
- Objective 5b: Promotion of structural development in rural areas

While Objectives 1, 2 and 5b are primarily funded by the ERDF, Objectives 3 and 4 draw on funds from the ESF. Objective 5a is funded by the EAGGF. The prominence of the ERDF is reflected by the fact that Objectives 1, 2 and 5b together account for 85% of total resources, with Objective 1 alone accounting for almost 70%.<sup>167</sup>

The coordination of the three funds went hand in hand with the formulation of four principles to ensure greater efficiency. Of these principles – concentration, programming, partnership and additionality – the principle of additionality is of particular importance as the receiving of resources had often reduced, if not replaced, public expenditures by the recipient country with the result that investment levels remained more or less constant. The principle of additionality, requiring Community funds to be co-financed by national funds by 50-70%, helps Community funds to make a more genuine economic impact. The SEA then not only doubled the budget on

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<sup>167</sup> Previous to the reform, ERDF resources had been allocated on the basis of national quotas. In 1979, the Commission persuaded the Council to agree to a small non-quota section, allowing the former to allocate 5% directly to the poorest regions in Europe. In 1984, the quotas were relaxed into indicative ranges and the Commission gained discretion over about 11% of ERDF resources. It was only with the reform of 1988 that the ERDF ‘went through a process of major supranational upgrading’ (Dezséri, 2007: 26) which abandoned the quota system altogether.

regional policy and made cohesion by redistribution a constitutional obligation; it also paved the way for the 1988 reform, which replaced the quota system with the objective system and adopted four ultimate principles. Through all these measures the Community hopes to improve the competitiveness and hence the long-term growth prospects of the poorer regions, thereby putting EU regions and ultimately member states on a more equal footing.<sup>168</sup>

### *The Northern Enlargement and the EURO*

Although the reform of 1988 meant that the ERDF would now direct its resources to the whole of Greece, Ireland and Portugal, it essentially remained an instrument of interregional redistribution.<sup>169</sup> It was only in 1993 that a truly international instrument of redistribution was created. ‘While enlargement again formed part of the context’, Bache (1998: 81) notes, ‘the crucial factor in shaping the context of the 1993 reform was the signing of the Treaty on European Union at Maastricht in December 1991’, setting the stage for a single currency (see also Neal, 2007: 176). Once again, both events will be considered in turn.

After the reunification of Germany in 1991, which brought the new German Länder into the Community, Sweden, Finland and Austria joined the EU in 1995. Unlike previous accession states, the three new entrants were relatively prosperous. Nevertheless, there were considerable regional differences in Sweden and Finland between the affluent southern regions and the sparsely populated regions of the north. The two countries therefore persuaded the Council to introduce a sixth Objective that would channel funds to these remote regions. Again, payments came primarily from Germany, whose exporting industries benefited from the removal of all non-tariff barriers in these countries.<sup>170</sup>

A further increase in financial transfers came from the single currency project. With the first step towards monetary union having been taken in the late 1970s in form

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<sup>168</sup> Figures suggest that cohesion policies have in fact worked. During the period of 1986 to 1999, GDP per capita in the 10 poorest regions increased from 41 to 50% of EU average, and in the 25 poorest regions from 52 to 59% (European Commission, 1999). During the same period, GDP per capita in the four poorest member states (Spain, Portugal, Ireland and Greece) rose from 65 to 78% of EU average (ibid).

<sup>169</sup> While ‘regional weaknesses do not coincide exactly with national boundaries’, George (1996: 191) points out, ‘there is a tendency for the weakest member states’ economies to be comprised predominantly of regions that had the most serious problems, and for stronger member states’ economies to contain few problem regions’.

<sup>170</sup> Most tariff barriers had already been abolished by a free trade agreement between the EU and the European Free Trade Association (EFTA).

of the EMS, in the early 1990s the Commission pushed for the completion of EMU. The Delors Committee argued that full EMU was a 'natural consequence' of the commitment to create a market without frontiers (cited in O'Donnell, 1992: 46). At the same time, the Committee acknowledged that 'the process of achieving monetary union is only conceivable if a high degree of economic convergence is attained' (ibid: 47). That the Committee reflected the anxieties of the weaker member states can be exemplified on the basis of a White Paper published by Ireland that assesses the consequences of joining EMU. In this paper, the Irish government expresses its

real concern that, in the absence of mechanisms to assist in the redistribution of the undoubted benefits which EMU will bestow on the Community as a whole, the more central and prosperous regions could gain disproportionately, possibly at the expense of the more peripheral and less developed ones. If such a situation were allowed to develop, it would undermine the very foundation of the Union. (Cited in Matthews, 1994: 7)

Consequently, Ireland, together with Spain, Portugal and Greece, claimed that it should be compensated for the possible costs resulting from the completion of the single currency project. Following on the steps of the 1977 and 1986 package deals, an agreement was reached at the Edinburgh Summit of 1992 that virtually doubled the budget of the Structural Funds (Bache, 1998: 82).

An even greater boost to redistribution came from a treaty that was signed at Maastricht a year earlier. Officially referred to as the Treaty of the European Union (TEU), the Maastricht treaty set up convergence criteria to facilitate smooth progress towards the single currency. These criteria were likely further to exacerbate the economic problems of poorer member states as they entailed substantial economic adjustments, such as reducing consumer inflation, long-term interest rates, budget deficits and public debt. During the negotiations over the Maastricht treaty, Spain, Portugal, Ireland and Greece – the four poorest countries of the Community at the time – therefore argued for the creation of additional resources. Spain in particular said it would not participate in monetary union unless a fund was set up to compensate the country for the adverse effects of fiscal discipline. Faced with the threat of a Spanish veto, the Council eventually agreed to establish a Cohesion Fund (ibid: 88).

One reason for why a new fund was needed is that the existing funds' high rate of additionality created serious tensions with the Maastricht criteria concerned with deficit and debt. While both the Structural Funds after the reform of 1988 and the Cohesion Fund seek to make weaker economies more attractive for business and

investment, and hence more competitive, the latter does so without massively increasing the burden on government expenditure.<sup>171</sup> At the Edinburgh Summit of 1992 it was agreed that the Cohesion Fund would finance transport, environment and energy-related projects in countries with a per capita GDP of less than 90% of the EU average.<sup>172</sup> It was further agreed that a total of ECU 16 billion would be allocated to the Cohesion Fund for the financial period of 1993-1999, and that until 1996, Spain would receive between 52 and 58%, Greece and Portugal between 16 and 20% each, and Ireland between 7 and 10% (Allen, 2005: 219).

While the Cohesion Fund was originally designed to help the so-called ‘cohesion countries’ meet the Maastricht criteria, it became harder to retain this rationale when Spain, Portugal and Ireland joined the Eurozone in 1999, and Greece in 2001. However, with the adoption of the Stability and Growth Pact (SGP) in 1997, calling for fiscal discipline as a means to maintain the stability of the EURO, the cohesion countries successfully lobbied for the continuation of the fund. For the financial period of 2000-2006, Spain, Portugal, Greece and Ireland qualified for another €18 billion (Evans, 2005: 4). After the accession of the Central and Eastern European Countries (CEECs) in 2004, an extra €7.6 billion was made available for the new member states until 2006 (ibid). With a further increase in resources for the financial period of 2007-2013, the Cohesion Fund seems to have become a permanent distributive instrument of the EU.

### **Rejecting the self-sufficiency thesis**

Before the next section will present an argument for a Rawlsian reading of the Cohesion Fund, this section reviews the self-sufficiency thesis in light of an increasingly interdependent Europe. To recall, Rawls’s ground for opposing an international version of the difference principle is that states are, or can be if organized in the right way, economically self-sufficient. ‘States are more or less economically self-sufficient’, Buchanan (2000: 702) explains, ‘if and only if they can (at least when reasonably well-governed) provide adequately for the material needs of their populations’. Here I am not concerned with Beitz’s (1979: 133) alternative explanation according to which ‘the self-sufficiency assumption requires that societies have no

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<sup>171</sup> Under the Cohesion Fund the receiving of assistance is tied to only 10-19% of own expenditures. Compare this to the Structural Funds under which recipient countries have to contribute between 50-70% of overall assistance.

<sup>172</sup> This threshold was deliberately chosen to include only Spain, Portugal, Ireland and Greece.



significant trade or other economic relations'. As such, it is not enough to demonstrate, as Beitz does in *Political Theory and International Relations*, that states are interconnected in the relevant way in order to refute Rawls's self-sufficiency thesis. Rather, what has to be established is that states, because of their interconnection, cannot on their own provide adequately for the material needs of their populations.

Had Rawls written in the time of Hobbes, his self-sufficiency thesis would have been less contestable. As Buchanan (2000: 702) notes:

The Westphalian world was one in which many states were much more economically self-sufficient ... than any states currently are. It is, therefore, not surprising that the system of international law to which the Peace of Westphalia gave birth conceived of the relations between states as being primarily military rather than economic: interstate relations consisted mainly of actual conflicts or of alliances designed to prevent conflicts or to ensure success when conflicts occurred. Trade relationships existed, of course, though mainly between individuals or alliances of merchants rather than between states.

This clearly changed over the last centuries, and over the last decades in particular. While globalization, the interconnectedness of economic processes at the global level, has intensified dramatically, regionalization, the interconnectedness of economic processes at a regional level, has proceeded at an even faster pace. This is most notably due to the economic integration of Europe.<sup>173</sup>

Since David Ricardo, it is common knowledge that in a free-trade area countries specialize in the production of goods in which they hold a comparative cost advantage and share the products through trade.<sup>174</sup> Indeed, intra-industry trade, one indicator for specialization, increased in all EU member states over the period from 1970 to 1985 (Grimwade, 2004: 135). The completion of the SEM in 1992 only accelerated the relocation of industry segments to countries where relative costs are lowest. Products that some decades ago were produced in one country, Held (2004:

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<sup>173</sup> The other two major trading blocs are North America and Asia-Pacific. This so-called triad is responsible for the greater part of world trade.

<sup>174</sup> That the concept of comparative advantage is not unknown to Rawls is evident from his remarks about a social union. To illustrate the idea of a social union, Rawls (1993a: 321) gives the example of 'a group of gifted musicians, all of whom have the same natural talents and who could, therefore, have learned to play equally well every instrument in the orchestra. By long training and practice they have become highly proficient on their adopted instrument, recognizing that human limitations require this; they can never be sufficiently skilled on many instruments, much less play them all at once. Thus, in this special case in which everyone's natural talents are identical, the group achieves, by a coordination of activities among peers, the same totality of capacities latent in each'. But even when our natural talents are not identical and differ from person to person, Rawls writes, a social union can be achieved, 'provided these gifts are suitably complementary and properly coordinated' (ibid). In his later book, *Justice as Fairness: A Restatement*, Rawls (2001: 75-76) drops this provision, recognizing that '[v]ariations of talent of the same kind ... allow for mutually beneficial complementarities, as economists have long known and formulated in the principle of comparative advantage'. Unfortunately, Rawls fails to apply this principle to international relations, and to the EU in particular.

22) points out, ‘are now routinely made up of components that have crossed dozens of borders before they are finally assembled. A new highly specialized geographic division of labour has emerged, recasting the nature and form of production systems’. Inter-industry trade, a second indicator for specialization, is also much greater in all EU member states than it was before the economic integration process was to start off (Grimwade, 2004: 134). The Eastern Enlargements of 2004 and 2007 meant that the CEECs, holding a comparative advantage in labour-intensive goods, specialized in the textile industry and in the manufacture of electrical equipment. In light of this, Adam Smith’s vision of a division of labour among people becomes more and more a division of labour among states, with the effect that ‘even wealthy states can no longer supply their own needs’ (Thompson, 1992: 59).<sup>175</sup> This development clearly undermines the self-sufficiency of states.

Given that towards the end of the twentieth century almost two-thirds of a EU member state’s trade was with other member states,<sup>176</sup> one might even argue that the EU, far more than its individual members, meets Rawls’s condition of self-sufficiency. As Theo Hitiris (1998: 224) notes, the trend for increasing reliance on intra-EU trade is widely ‘taken as a proof of a rapid increase in self-sufficiency’. Damsgaard Hansen (2001: 175) has shown that between 1980 and 1993, EU imports of primary goods had fallen from 60 to 29%. This number is likely to further decrease in light of the entry of the CEECs, which are strong agricultural performers. It is against this background that many commentators speak of a ‘Fortress Europe’ – a term that is reminiscent of Rawls’s (1973: 8) terminology of society as a ‘closed system isolated from other societies’. But when the EU as a whole constitutes a cooperative venture for mutual advantage, member states can be expected to put forward conflicting claims with regard to the cooperative surplus.

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<sup>175</sup> As noted above, a human association that is marked by a division of labour such as an orchestra constitutes a social union for Rawls. While the social union ‘orchestra’ provides for musical entertainment, it requires other social unions for people to have a complete life. Just as a violinist makes no orchestra, an orchestra makes no society. This is why Rawls (1993a: 321) comes up with the idea of society ‘as a social union of social unions’. Given the increasing division of labour among EU member states, we may think of the EU as a social union of social unions of social unions.

<sup>176</sup> Intra-EU trade rose from 36% in 1958 to 60% in 1992 (Jovanovic, 1997: 257). After the accession of Sweden, Finland and Austria in 1995, intra-EU trade reached 63% of total exports and 64% of total imports (ibid). With the accession of twelve more countries in 2004 and 2007, trade of the member states with each other in relation to their trade with the rest of the world continues to grow. While Hirst and Thompson (1996) have famously argued that there were earlier periods of dense and intense patterns of economic exchange, the current scale of intra-EU trade is clearly unprecedented.

## Rawls and the Cohesion Fund

In accordance with Rawls's intuitive idea that for a cooperative venture to be workable, the benefits and burdens of cooperation need to be distributed in such a way as to draw forth the willing cooperation of everyone taking part in it, it has been shown that all major European integration projects, whose benefits and burdens were unevenly distributed among the states, were accompanied by distributive efforts to ensure that states could approve of these projects.<sup>177</sup> With regard to widening, this was the case with the First Enlargement, which was coupled with the introduction of the ERDF, the Mediterranean Enlargement, which contributed to an enlargement of the ERDF, and, to a lesser extent, the Northern Enlargement, which added a sixth objective to the Structural Funds. In each case, the Community made financial concessions in exchange for the accession states opening their markets to its goods and investments. A similar strategy was employed with regard to deepening. We can see this in 1957, when Italy agreed to the EEC in exchange for the establishment of the ESF, in 1977, when the passage of the EMS was tied to a doubling of the ERDF, in 1986, when regional spending was further doubled as a compensatory side payment for Spanish acceptance of the SEM, and in 1992, when participation in the EURO was linked with a doubling of the Structural Funds and the creation of a Cohesion Fund. In each case, the more prosperous countries made significant monetary transfers in exchange for the less prosperous countries giving their consent to deeper levels of integration. The motivation behind these transfers, it has to be stressed, was one of self-interested reciprocity: moved by a greed for profit, the more prosperous countries distributed part of their good (short-term profit) in order to reap an even greater good (long-term profit).<sup>178</sup>

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<sup>177</sup> This is not to say that the benefits and burdens were eventually distributed in accordance with Rawls's difference principle – a point I will come back to in a moment. Nor is this to say that the benefits and burdens were distributed proportionally among the states. Waltz (1979) and Grieco (1988) have famously argued that states, being more concerned with relative than absolute gains, will forego absolute advantages when they entail relative losses. This argument, however, does not apply to the present case, for states evaluate not only capabilities but also intentions (Keohane, 1993: 276; Powell, 1993: 299; Ikenberry, 2006: 99-100). Accordingly, a state that expects smaller gains from economic cooperation than other states will not only ask whether this shift in economic advance could be turned against it, but also how likely this is to happen. As the use of force is clearly no issue in relations among EU member states, asymmetrical gains are no barrier to economic integration.

<sup>178</sup> This was only possible because the absolute gains from integration were larger than the absolute losses. Although integration may make some countries worse off than in a situation prior to integration, if compensation from winners to losers is possible, integration can make every country better off. Without the benefit of compensation, the countries whose destiny it would be to lose in an integration scheme would never enter into such a scheme in the first place, which would leave all countries in a worse position. With a view to this, the Community's various distributive instruments play an

What is noteworthy, though, is that the more prosperous countries continue to make transfers to the less prosperous countries even after they have secured their consent to a particular integration project. Both the ERDF and the Cohesion Fund were initially projected to finish at the end of the financial forecast. That both instruments became permanent fixtures in the EU budget might be partly explained in terms of the weakening argument (see chapter 2): the more prosperous countries recognized that the continuity of the particular integration project, and the European project as a whole, hinges upon a relatively equitable distribution of the gains and losses from cooperation. As Dunford *et al.* (2000: 1) point out, integration projects in other parts of the world have often foundered precisely because of the failure to deal effectively with this problem. But collapse is only the most dramatic of a number of scenarios. If a country feels that no economic benefit is being gained from participation in a cooperative venture, it might withdraw from that venture, with the likely result that the remaining countries are worse off than they would be with the country's participation.

In cases in which the continuation of redistribution cannot be justified in terms of the weakening argument, and hence, self-interested reciprocity, Rawls wants us to put our faith in his psychological laws (see chapter 3). Recall that the psychological laws prescribe a process by which we acquire affective ties to people and institutions as we come to see that they operate for our good. Such a process, Rawls (1987: 22) notes, explains how people can start from within a *modus vivendi* and nevertheless develop a sense of justice: the allegiance to (e.g. distributive) institutions, initially secured by a convergence of self-interests, becomes stronger over time as people come to appreciate how their present good is affected by these institutions. A 'parallel process', Rawls (1999a: 44) claims, takes place in international relations where societies develop a devotion to (e.g. distributive) institutions from which they have benefited (*ibid.*: 112-113).

Now, it can be argued that by 1988 this psychological process had progressed to a point where a reform of the Community's distributive instruments seemed to be in order.<sup>179</sup> Previous to the reform, redistribution can be best conceptualized in terms of

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indispensable part in the market integration process. The relationship between redistribution and integration is therefore much more reinforcing than it is usually depicted: the present level of European economic integration is unthinkable without distributive instruments, just as these instruments are unthinkable without the drive towards closer economic association.

<sup>179</sup> According to the Commission, the reform of 1988 was made necessary by three imperatives – legal, economic and political (Vanhove, 1999: 489). The legal imperative derived from Article 130d of the amended version of the Treaty of Rome, calling for a reform of the Community's various distributive instruments to coordinate their activities and increase their efficiency. The reason for the more

what Rawls calls a *modus vivendi* – an arrangement between nations that effects a workable compromise on issues in dispute without permanently settling them (Dauenhauer, 2000: 219). The reform of 1988, most notable for its replacement of the quota system with the objective system, meant that ERDF resources were no longer allocated according to constantly renegotiated national quotas, but subject to pre-determined criteria that all states accepted as fair. From now on, ERDF resources were available only to the least favoured regions as measured on a European scale, namely those with a GDP per capita of less than 75% of the EU average (Objective 1), those affected by industrial decline (Objective 2) and rural areas (Objective 5b). This ensures that states view the given arrangements not so much as the result of package deals, but in such a way that they can benefit from them equally in the face of an unforeseeable future (Heinelt, 1996: 12). After the unforeseen fall of the Berlin Wall in 1989 and the subsequent reunification of Germany, for example, all new German Länder qualified for funds under Objective 1. The reform of 1988 thus signalled a shift from a compensational towards a procedural logic ‘in that the new forms of assistance no longer only represented a system of institutionalized compensation or side payments but were geared towards as precise a minimization of regional and social disparities as possible’ (ibid: 14). This clearly demonstrates what Rawls means when he says that a sense of justice can grow out of a *modus vivendi*: an arrangement, based on self-interested reciprocity, is able to generate its own support, where the support in question is grounded in fair reciprocity.

Hubert Heinelt contrasts the Structural Funds with the Cohesion Fund, which, according to him, still reflects ‘the preferential treatment of individual member states’ (ibid: 13). While this is true with a view to the fund’s early stages, when it was specifically designed for getting the agreement of Spain, Portugal, Ireland and Greece to the single currency, nowadays the Cohesion Fund can be claimed by any country with a per capita GDP of less than 90% of the EU average. Accordingly, when the

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prosperous countries’ commitment to the reform, Pollack (1995: 372) suggests, is that after the Mediterranean Enlargement they became net contributors to the EC budget, which gave them a common interest in the efficient use of the funds. The economic imperative behind the reform stemmed from the appreciation that greater cohesion would provide economic benefits to both the weaker and stronger economies. In particular the notion that an increase in the less prosperous countries’ purchasing power would enable these countries to buy more products of the more prosperous countries seemed to be vital in securing the latter’s agreement to the reform. Yet neither the legal nor the economic rationale seems to be sufficient to fully explain the more prosperous countries’ approval of a reform that effectively set in stone their role as donor countries. While earlier package deals were clearly in the interest of both the less prosperous and the more prosperous countries, the reform of 1988 cannot be explained that easily in terms of self-interested reciprocity. Hence, the Commission seems to be right when it also accords a political dimension to the reform – a solidarity on part of the more prosperous countries (see Vanhove, 1999; Manning, 1999; Leonardi, 2005).

accession of the CEECs in 2004 lowered the EU's average per capita GDP, Spain and Ireland no longer qualified, whereas all new member states, together with Portugal and Greece, are now eligible for the Cohesion Fund. Hence, the Cohesion Fund, like the Structural Funds, has evolved in a manner that can be interpreted as embracing what Rawls calls procedural justice: it has become a permanent and independent distributive instrument of the EU that seeks to advance the position of the least advantaged. This, again, demonstrates how an arrangement, initially supported by considerations of self-interested reciprocity, can develop a life of its own – independent of its original purpose – as the parties become devoted to the institutions from which they have benefited (Rawls, 1987: 22).

Having shown that the EU's distributive instruments came about in a similar way as Rawls believes distributive instruments to come about in domestic society, we have yet to determine whether these instruments also adhere to a similar logic. What is striking is that both the difference principle, which applies to the basic institutions of society, and the distributive instruments of the EU seek to advance the position of the least advantaged – be it people (difference principle), regions (ERDF) or countries (Cohesion Fund). What must be kept in mind, though, is that there is hardly a case in which theory and practice conform fully, and the present case is no exception. While the difference principle aims to maximize the position of the least advantaged, the ERDF and Cohesion Fund do not aim to make the least advantaged better off as such, but more competitive so that they are able to catch up with the more advantaged over time. But it would be a mistake to overemphasize the gulf between the difference principle and the EU's distributive instruments in this regard: while there is no sense in which one could make people more competitive, 'the difference principle would allocate resources in education, say, so as to improve the long-term expectations of the least favored' (Rawls, 1973: 101).

Greater dissimilarity seems to exist in terms of the volume of the respective transfers. Not least because of their different approaches to greater economic equality, EU transfers are likely to be more modest than those that would be required by Rawls's difference principle. This, however, should not obscure the fact that the amount of money that is being transferred through the Community's distributive instruments is unprecedented in European history. Loukas Tsoukalis (1993: 245) estimates that in 1992, Structural Funds transfers alone represented 3.5%, 2.9% and 2.3% of GDP for Portugal, Greece and Ireland, respectively. Compare this to the

generous aid given by the Marshall Plan, which on average represented not more than 2% of the recipient countries' (considerably lower) GDP (Reichenbach, 1995). In the financial period of 2000-2006, cohesion spending (including the Cohesion Fund) amounted to €257bn, and in the financial period of 2007-2013, it further increased to €336bn.<sup>180</sup> Today, cohesion policy expenditure is the largest budgetary line, constituting more than a third of overall EU expenditure.

If we compare the ERDF with the Cohesion Fund, the latter seems to be closer to the domestic analogy, not only because it is concerned with the least advantaged *countries*, but also because it ties grants only minimally to expenditures of the recipient countries. Willem Molle (2001: 409) has also detected 'a gradual shift of specific purpose to general purpose grants' in the distributional practice of the Cohesion Fund, leaving recipient countries with considerable discretion over the spending of resources. While all of this does not make the Cohesion Fund analogous to the difference principle, it shows that transfers under the Cohesion Fund assume a more redistributive character than under the ERDF. Yet there is one fundamental aspect in which even the Cohesion Fund differs from the difference principle. As it was shown in chapter 3, Rawls arrives at the difference principle by taking equal division as a starting point and then allowing for inequalities provided that they are to the greatest benefit of the least advantaged. While such a starting point is plausible where the parties in question are individual people, it is less plausible where the parties in question are countries.<sup>181</sup> But then the Cohesion Fund cannot operate on the general logic that inequalities are justified provided that they maximize the position of the least advantaged. Nevertheless, with all its other features the Cohesion Fund approximates what an international version of Rawls's difference principle would require.

### *Summary*

This chapter has assessed European political and economic integration in light of Hobbes's and Rawls's political theories. While the view that strong states cannot be

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<sup>180</sup> Despite the ongoing financial and economic crisis, cohesion spending for the financial period of 2014-2020 is currently set at €325bn, with the European Parliament yet to ratify.

<sup>181</sup> As it was argued in chapter 3, the point of non-cooperation (the point from which the gains of cooperation are to be calculated; not to be mistaken for the starting point as specified above) provides a roughly equal level of material well-being to all individuals. This may not be the case for states, because their material well-being, as pointed out in chapter 4, is a function of external factors, such as international cooperation, as well as internal factors, such as domestic institutions. But then the non-cooperation point is likely to provide a different level of material well-being to different states and this inequality will be reflected in the division of the gains of cooperation, as a result of which equal division cannot be taken as a starting point.

defeated by weak states has been found a severe distortion of the historical record, the assumption that states are not vulnerable to the same degree as individual people are is too unrealistic with a view to today's violence interaction capacity. But when relations among states approach the conditions necessary for the application of a common authority, we might think that they eventually move towards such an authority. In fact, ever more destructive wars initiated by France (Louis XIV and Napoleon) and Germany (Wilhelm II and Hitler) animated states to construct ever stronger power-restraining mechanisms. Yet neither the balance of power, nor institutional binding – whether in the shape of the informal congress system or in the shape of the formal League of Nations – was an instrument of supranational integration. It was only with the establishment of the High Authority that cooperation became supranational. This institution not only resembles Hobbes's common authority in key features, it also came about in pretty much the same way as Hobbes believes his Leviathan to come about. While no claim is being made that the creation of the High Authority was consciously informed by Hobbes's theory, his idea of fearful people overcoming the condition of anarchy by instituting a common authority is not far away from the realities of European political integration.

While it is hard to believe that Rawls's argument about the self-sufficiency of states was true in his time, it is surely false in the twenty-first century in which some states, because of specialization processes, become more akin to individuals with different skills who need to cooperate and who put forward conflicting claims with regard to the cooperative surplus. But when the conditions necessary for the application of an instrument of international redistribution are at work at the international level, we might expect states finally to set up such an instrument. Indeed, Europe's drive towards wider and deeper economic (EEC and SEM) and monetary (EMS and EURO) union animated states to create ever more extensive instruments of redistribution. Yet neither the ESF, nor the ERDF – whether in the shape of the early quota system or in the shape of today's objective system – is an instrument of international redistribution. It was only with the creation of the Cohesion Fund that redistribution became truly international. This instrument not only mirrors Rawls's difference principle in that it seeks to advance the position of the least advantaged, it also came about in a similar way as Rawls believes domestic instruments of redistribution to come about. While again no claim is being made that the establishment of the Cohesion Fund was consciously informed by Rawls's theory, his



idea that parties within a cooperative venture for mutual advantage set up distributive instruments – initially out of considerations of self-interested reciprocity, and, as they come to develop affective ties, out of considerations of fair reciprocity – bears a striking resemblance to European economic integration.

We are thus led to the conclusion that Hobbes's and Rawls's political theories provide us with a close analogy to the way the political and economic integration of Europe has actually unfolded. It is left to the next chapter to examine whether their theories also hold lessons for the political and economic integration of the world as a whole.

## 7. Order and Justice on a Global Scale

The last chapter presented an argument for the application of Hobbes's and Rawls's political theories to the European level. This chapter examines whether the European template can be laid over the rest of the world. Does the global sphere resemble the regional sphere in those features relevant to the justification of a common authority and a redistribution scheme?

Section one shows that the proliferation of nuclear weapons after World War II created a situation of mutual deterrence in which nuclear war essentially became out of question. Yet after the terror attacks of 11 September 2001 (henceforth 9/11) there is a widespread fear that undeterrable terrorists could get their hands on nuclear weapons. Sections two and three further explore this fear by examining the rhetoric and practices that followed the attacks. Section four demonstrates that the world's least developed countries have been increasingly marginalized with regard to economic relations. In the post-9/11 environment, however, there is a growing sense that fulfilling the demands of the poor can be in the self-interest of the rich because of the former's capacity to inflict harm on the latter. Sections five and six further explore this security rationale for development aid by looking at the rhetoric and practices after the attacks.

It will be argued that the kind of reciprocity that characterizes Hobbes's and Rawls's political theories, and that governed the political and economic integration of Europe, is not operative in the world at large. For Hobbes's logic of the Leviathan and Rawls's conception of justice to have any meaning at the global level they need to be supplemented by Ulrich Beck's idea of a world risk society and Tedd Gurr's relative deprivation theory, respectively. But even with these supplements in place, it is rather unlikely that a common authority and a redistribution scheme will materialize at the global level. Because the fear and insecurity that is felt after 9/11 is mainly a result of mediatization and securitization processes, it is quite different from the concrete fear and insecurity that lies behind the creation of a common authority and a redistribution scheme at the domestic level.

The following inquiry into the prospects of a global authority and a global redistribution scheme does not attempt to assess the preferences of every single country but merely of those countries that are the least likely to be in favour of such institutions. If it can be shown that these countries have no incentive to institute a global authority and a global redistribution scheme, we have reason to assume that

cooperation in these matters is impossible on a truly global scale, irrespective of whether other countries are in favour of such institutions or not.

In his article, 'Why a World State is Inevitable', Wendt (2003: 524) observes that strong states are 'the greatest hurdle to world state formation', whereas weak states are 'the principal engine in the system's development'. Because strong states are relatively secure, they have less to gain from a global authority than weak states. When it comes to the question of international distributive justice, it seems to be rich states that are the greatest hurdle to the formation of a global redistribution scheme, and poor states that are the principal engine in the development of such a scheme. The prospects of a global authority and a global redistribution scheme, thus, crucially hinge on the military strong and the economically rich. Hence, the focus of this chapter will be on Western countries, and the US in particular, which, in military and economic terms, is still the greatest power.<sup>182</sup>

While this way of proceeding allows us to concentrate on a small number of countries, it is not without difficulties. On the one hand, the finding that the world's strongest and richest countries have no incentive to institute a global authority and a global redistribution scheme says nothing about the prospects of these institutions on a scale that is smaller than the global one but larger than the regional one. On the other hand, the binary division of countries into weak and poor ones that welcome closer integration, and strong and rich ones that are opposed to such integration, while useful in drawing our attention to the general source of the problem, must ultimately be rejected as being too simplistic. In contrast to the previous chapter, the present chapter is therefore much narrower in scope and more speculative in character.

### **Hobbes in a nuclear age**

As shown in the previous chapter, by 1945 conventional warfare had become so devastating that it brought Europe to the brink of destruction. If technology continued this rate of advance, weapons would soon have the potential to annihilate whole societies. The discovery of nuclear energy and its adaptation to warfare rendered this argument even more prominent. With the emergence of nuclear weapons, people,

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<sup>182</sup> For Etzioni (2004) and Mandelbaum (2005), the US is indeed so powerful that it assumes some central functions of a global authority. However, if we were to conceptualize the US as a global Leviathan, it would be a 'commonwealth by acquisition, ... where the sovereign power is acquired by force' (Hobbes, 1998: 132), rather than a 'commonwealth by institution' (ibid), the type of government this work is concerned with.

states and even the entire world could be subject to complete destruction. In light of this, many commentators, from liberal federalists to hard-nosed realists, insisted that what they just witnessed on a European scale – the surrender of sovereignty over the means of conventional warfare to a regional authority – had to be replicated on a global scale – the surrender of sovereignty over the means of nuclear warfare to a global authority.

One of the earliest versions of the argument that in the face of nuclear weapons there can be only one world or none at all, which came to be known as ‘nuclear one-worldism’, is to be found in the writings of Albert Einstein. Einstein warned that the ‘unleashing of the power of the atom has changed everything but our modes of thinking, and thus we drift toward unparalleled catastrophes’ (cited in Steinbrunner, 2000: 6). Only when ‘the individual state be prevented from making war by supranational organization supported by military power that is exclusively under its control’, Einstein (1946: 153) wrote, ‘can we have some assurance that we shall not vanish into the atmosphere, dissolved into atoms, one of these days’.<sup>183</sup> For Morgenthau (1962: 22), another Jewish scientist who had to flee from Nazi Germany,

[n]uclear destruction is mass destruction, both of persons and things. It signifies the simultaneous destruction of tens of millions of people, of whole families, generations, and societies, of all things that they have inherited and created. It signifies the total destruction of whole societies by killing their members, destroying their visible achievements, and therefore reducing their survivors to barbarism. Thus nuclear destruction destroys the meaning of immortality by making both society and history impossible.

Like Einstein, Morgenthau (1954: 537) believed that it is ‘only when nations have surrendered to a higher authority the means of destruction which modern technology has put in their hands – when they have given up their sovereignty – that international peace can be made as secure as domestic peace’. Morgenthau’s (1960a: 170, 308) commitment to a global authority deepened in the 1960s when he wrote that

[n]o nation state is capable of protecting its citizens and its civilization against all-out atomic attack.... Thus, it becomes the task of all governments to make themselves superfluous as the guardians of their respective territorial frontiers by transferring their nuclear weapons to an agency whose powers are commensurate with the world-wide destructive potentialities of these new weapons.

Consider also his 1961 address, where he claimed that the dilemma of total nuclear war ‘suggests the abolition of international relations itself through the merger of all

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<sup>183</sup> This text was part of an edited volume with the title *One World or None* in which leading natural and social scientists urged for the establishment of a global authority to regulate nuclear weapons.

national sovereignties into one world state which would have a monopoly of the most destructive instruments of violence' (cited in Craig, 2003: 109), and his 1962 volume, where he writes that

supranational control of atomic energy is today in the national interest of all nations; for while the present bipolarity of atomic power is dangerous to all nations, the acquisition of uncontrolled atomic power by an indefinite number of nations is likely to prove fatal to civilized life on this planet. In consequence, the nations of the world are faced with, and must overcome, the dilemma that the pursuit of their interest, conceived in national terms, is incompatible with modern technology, which requires supranational political organization. (Morgenthau, 1971: 219)

Similar arguments have been advanced by Georg Schwarzenberger (1951), Günther Anders (1956), John Herz (1960) and Arnold Wolfers (1962), who, like Einstein and Morgenthau, were German Jews who had experienced the Nazi terror first-hand. Fearful of another aggressor emerging on the international scene – this time equipped with nuclear weapons – they saw a global authority with control over nuclear weapons as essential for the prevention of nuclear war.<sup>184</sup>

What is remarkable of these arguments is that they closely mirror those made by Schuman, Monnet, Churchill, Bevin and Hallstein with regard to the need for a regional authority, the only two differences being that the likes of Einstein and Morgenthau had in mind a global rather than regional supranational structure and that this structure was meant to protect people from nuclear rather than conventional war. Their common view that states should integrate in order to eliminate the scourge of war is essentially 'Hobbes set to history' (Deudney, 2000: 21).<sup>185</sup>

However, while on a regional scale we have witnessed the integration of states, on a global scale this has not materialized. The fact that the nuclear revolution was not accompanied by a political revolution does not mean that the advent of nuclear weapons – 'the only real revolution which has occurred in the structure of international relations since the beginning of history' (Morgenthau, 1960b: 76) or 'the most radical change in the nature of power and the characteristics of power units since the beginning of the modern state system' (Herz, 1960: 22) – was any less dramatic.<sup>186</sup> It is only that the emergence of nuclear explosives has produced not an 'all-out atomic

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<sup>184</sup> For further examples of nuclear one-worldism, see Burnham (1947), Russell (1959) and Boulding (1962).

<sup>185</sup> As Deudney (2000: 21) explains, 'nuclear one worlders applied the essential logic of Hobbes's argument to the nuclear era: nuclear weapons had created a state-of-nature situation of mutual vulnerability that necessitated a sovereign consolidation of authority'.

<sup>186</sup> Strictly speaking, the twentieth century saw two such revolutions: that of the atomic bomb in the mid 1940s and that of the thermonuclear bomb in the early 1950s. As Craig (2008: 134) shows, nuclear one-worldism arguments were primarily formulated in response to the atomic revolution.

attack' (Morgenthau, 1960a: 170) but a 'long peace' (Gaddis, 1987). One reason for this is that the proliferation of nuclear weapons made some fundamental changes to the efficacy of deterrence. The principle of deterrence consists of threatening a potential attacker with reprisals that would cost him more than he would gain by resorting to force. While these costs were relatively low during the era of conventional warfare, they increased at a multiple in the nuclear age with countries acquiring a second-strike capability. As Marshall Cohen (1987: 31) notes: 'The fact that nuclear nations can destroy one another's populations unquestionably strengthens the analogy between the individual, and the international, state of nature. But the fact that nuclear nations – unlike Hobbesian men or gun duellers – can respond in kind after they have been hit undermines it'. Indeed, to this day, the doctrine of mutual assured destruction (MAD) has effectively deterred countries from ever using their nuclear weapons.

Thus, it took not long before nuclear one-worlders began to adopt a very different, more conventional deterrence view (Deudney, 2007: 264; Craig, 2008: 134). Other commentators such as Bull (1977: 735) even went so far as to suggest that the rise of nuclear weapons had made international anarchy 'not less but more tolerable than it was before. The Hobbesian fear of death that lies behind the system of mutual deterrence has operated to freeze the nuclear powers in their state ... rather than to impel them toward attempts to escape from the international anarchy'.<sup>187</sup> Considerations of self-interested reciprocity, requiring that all parties gain from the move towards a common authority, could not account for the creation of a global authority: while nuclear powers would gain nothing or only little in terms of security, they would lose a lot in terms of renounced sovereignty. This is why the nuclear one-worldist argument and, as such, the Hobbesian analogy, popular in the early years of the nuclear age, went increasingly out of fashion (Deudney, 1995a: 89).<sup>188</sup>

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<sup>187</sup> This argument was subsequently picked up by Waltz (1981) who reasoned that nuclear proliferation promotes peace and stability. More recently, the argument has been applied to Iraq (Mearsheimer, 2003) and Iran (Waltz, 2012).

<sup>188</sup> One exception was the Italian philosopher Bobbio who continued to argue that '[i]n the same way as for men in the state of nature it was first necessary for all to renounce using force individually and then attribute their collective force to a single monopolising power, so states, plunged back into the state of nature due to the system of threatening and unstable relations that has been called the balance of terror, need to make the same passage from the current system of multiple centres of power to concentrating power in a new and supreme body that has the same monopoly of force over the single states as the state has over single individuals' (cited in Bottici, 2009: 133-134). In recent years, various thinkers have argued for a 'modified nuclear one worldism' (Deudney, 2007) that takes into account the long-term inadequacy of nuclear deterrence and unchecked proliferation. What makes nuclear one-worldism still relevant, Craig (2003: 172) suggests, is that nuclear deterrence, in the long-term, is bound to fail: '[T]o predict that it will succeed forever, never once collapsing into a nuclear war, is to engage in a utopian and ahistorical kind of thinking.... When it fails, the ensuing war is likely to kill hundreds of millions of people, and possibly exterminate the human race'. The risk of nuclear war, Magnell (2003: 7) warns,

Yet by resting the whole argument upon the principle of deterrence, Bull's reasoning becomes exceedingly fragile when confronted with actors against whom deterrence does not work. The end of the decade in which Bull published his propositions about the workings of deterrence marked the beginning of the religious wave of terrorism whose main departure from the previous three waves of terrorism – anarchist, anti-colonial and new left – is its suicidal nature (Rapoport, 2003). The willingness of religious terrorists to sacrifice their own lives attests the irrelevance of deterrence because states cannot threaten materially, and therefore credibly, what terrorists value spiritually (Kiras, 2007: 488). As Alun Chalfont, former British Minister of State, noticed: 'The whole time that I have been involved in terrorist operations ... my enemy has always been a man who is worried about his skin. You can no longer count on that, because the terrorist [today] is not just prepared to get killed, he wants to get killed' (cited in Merari, 1998: 193).<sup>189</sup>

Another fact that renders the fourth wave of terrorism different from previous waves, and the second wave in particular, is the statelessness of its actors. While terrorists of the anti-colonial wave were based in the particular country they wanted to free from the colonial power, terrorists of the religious wave are believed to operate within a worldwide network of sleeper cells (Rapoport, 2003). But when terrorists have no territory or possession of which would make them vulnerable, they cannot be deterred by the threat of retaliation. As US President George W. Bush (2002a: 367) put it in his 2002 West Point speech: 'Deterrence, the promise of massive retaliation against nations, means nothing against shadowy terrorist networks with no nation or citizens to defend'. In a similar vein, Vice President Dick Cheney noted that 'they have nothing to defend', before adding that 'for 50 years we deterred the Soviets by threatening the utter destruction of the Soviet Union' (cited in Furedi, 2007: 5).<sup>190</sup>

This new sense of vulnerability is heightened by the fear that terrorists could get access to weapons of mass destruction (WMD).<sup>191</sup> The easiest means by which

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will further increase with uncontrolled proliferation: 'Proliferation unchecked will put us in a fresh predicament of vulnerability where nation states are in a state of nature. The conditions, which parallel the conditions of anarchy for individuals that Hobbes depicts to a considerable extent, call for some central authority to control weapons of mass destruction'.

<sup>189</sup> This effectively turns the Hobbesian logic on its head: death is no longer the *summum malum*, but the *summum bonum* of human life.

<sup>190</sup> As stateless actors, terrorists not only have nothing or little to defend; they are also relatively unconcerned with alienating popular support, which renders their actions potentially more violent than that of a state.

<sup>191</sup> WMD include nuclear, biological and chemical weapons. In the literature these weapons are often referred to as NBC (nuclear, biological and chemical), ABC (atomic, biological and chemical) or CBRN

terrorist organizations could acquire nuclear weapons is through a state. Daniel Benjamin and Steven Simon (2000: 72) have argued that the desire to avoid retaliation makes the clandestine transfer of nuclear material to terrorist groups an attractive option for a state intent upon attacking the US or its allies. Just as the US funded and armed numerous anti-communist groups such as the Contras and Mujahedeen during the Cold War to prevent direct confrontation with the Soviet Union, countries like Iran might covertly pass on nuclear material to like-minded groups such as Hamas and Hezbollah for fear of retaliation. Indeed, it is Iran's collaboration with these terrorist groups that makes a nuclear Iran so threatening for Israel and many Western states.<sup>192</sup>

Another country that is sometimes accused of sponsoring terrorism is Pakistan. In August 2001, Osama bin Laden and Ayman al-Zawahiri received a number of high-ranking Pakistani nuclear scientists, including Sultan Bashiruddin Mahmood, former senior official in the Pakistani Atomic Energy Commission, to ask them for assistance in constructing a nuclear weapon (Graham, 2004: 20). While Mahmood was arrested in October 2001, there are other figures in Pakistan's nuclear establishment who are considered to be supportive of terrorism. It was only recently that Abdul Qadeer Khan, former leader of the uranium centrifuge enrichment program to produce uranium for the Pakistani atomic bombs, has set up a nuclear equipment smuggling network (Chyba, 2006: 2).

Mearsheimer and Walt (2003: 58) have questioned that the transfer of nuclear weapons to Islamic fundamentalists could go undetected. Even the slightest suspicion would result in a massive response of the US. Stephen Rosen (2006: 10) has countered that the likelihood of a clandestine transfer increases with the number of Islamic nuclear states as it gets harder to identify the state responsible for such a transfer. In fact, with Iran coming close to acquiring nuclear capacities, Pakistan is no longer the

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(chemical, biological, radiological and nuclear) weapons. Here I am primarily concerned with nuclear weapons.

<sup>192</sup> Similarly, it was not so much the prospect of a nuclear Iraq itself that posed a threat to the US but its assumed links to terrorist organizations. As Bush (2002b) explained in his 2002 State of the Union Address: 'States like these [Iraq], and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred'. Consider also Bush's (2003) State of the Union Address of the following year in which he expressed his fear that '[e]vidence from intelligence sources, secret communications and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own'. By the same token, Colin Powell (2003), US Secretary of State, warned of a 'potentially catastrophic combination of a rogue regime, weapons of mass destruction and terrorists'. While each phenomenon, considered on its own, is not able to pose a substantial threat, it is the possible combination of the three that seems to provoke fears of an almost apocalyptic dimension.



sole nuclear state in the Islamic world. Unless the US were to make clear that it would strike back at all suspected states, which is rather unlikely, the threat of retaliation loses credibility. What is more, states might supply nuclear material not only by political design but also for commercial gain. While North Korea has no religious or ideological links to Islamic fundamentalist groups, it is amongst the poorest countries in the world. The possibility therefore cannot be excluded that the country may find it profitable to sell nuclear equipment to terrorist organizations, which would render it even more difficult to trace the supplier of the nuclear weapon (Ferguson, 2005: 319).

All of this has implications for the Hobbesian analogy. Recall that in Hobbes's state of nature 'the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himselfe' (Hobbes, 1998: 82). In the nuclear age, the strongest might be secure against what Hobbes calls 'confederacy with others' – a hostile coalition of states – but he might no longer be secure against a perspective similar to what Hobbes calls 'secret machination' – a state that secretly passes on its nuclear weapons to undeterrable terrorists. As Beck (2006a: 152) notes: 'Even the greatest military power in the world, which can hold all the states in the world in check with its absolute superiority, is in a certain sense impotent in the face of possible attacks by suicidal terrorists'. This clearly undermines the inequality thesis: '[T]he strongest is no longer immune from attacks by the weakest. Rather, the opposite holds: the weakest is strong enough to threaten the most powerful, richest, most secure – indeed, the only – world power' (Beck, 2006b: 252). In this sense, Hobbes's account of the state of nature seems to be still relevant to the study of international relations.

But the threat of undeterrable terrorists getting their hands on nuclear weapons also puts nuclear one-worldism back on the map. As Deudney (2007: 261) notes:

To the extent that deterrence was a way to reconcile the anarchic state system with intense violence interdependence, and thus push aside the more radical diagnosis of nuclear one worldism, the new threat reverses the balance of argument, returning the nuclear-political debate to its beginnings.

What remains to be seen is whether the fear of nuclear terrorism runs deep and wide enough into the public consciousness as to open a new road towards the Hobbesian analogy in that even strong states have a self-interested reason to enter into a contract that would see all states transferring their nuclear weapons to a global authority.

## 9/11 and nuclear terrorism

On the occasion of the fiftieth anniversary of the Schuman declaration, German Foreign Minister Joschka Fischer (2003: 70-71) gave a talk in which he suggested that the European integration process is not replicable in any other region of the world or the world itself as it reflects Europe's unique memory of continental war:

European integration was the response to centuries of a precarious balance of power on this continent, which again and again resulted in terrible hegemonic wars culminating in the two World Wars between 1914 and 1945. The core of the concept of Europe after 1945 was and still is a rejection of ... the hegemonic ambitions of individual states that had emerged following the Peace of Westphalia in 1648, a rejection which took the form of closer meshing of vital interests and the transfer of nation-state sovereign rights to supranational European institutions.

In light of this, one is left to wonder how Beck (2006b: 257) imagines Europe to 'bring its historical experience of how enemies can become neighbours to bear in the contest of voices'. As Kagan (2003: 55-56) notes, the European perspective cannot be applied to other parts of the world such as America as the formative historical experiences on the other side of the Atlantic have not been the same. How can Americans draw the same lessons as the Europeans, Kagan asks, when they lack the collective memory of continental war?<sup>193</sup> Given that it took four general wars for modern European states to establish institutions beyond the state, one gets an idea of what other countries would have to go through before they make a similar move.

For Christoph Meyer (2004: 14), though, strategic norms can change not only 'gradually', as in the case of the European states, but also 'rapidly through events and crises, which act as "formative moments" ... for the updating of collective memory'.<sup>194</sup> Above all, it is the fear that is instilled by the particular event or crisis that may account for a change in strategic norms. As Meyer (2005: 533) argues elsewhere:

Strategic norms are not independent of changing threat perceptions; they can be influenced and are often sustained by lingering fear of foreign others. If the perception of being threatened grips the national consciousness over a prolonged period of time, strategic thinking and norms will adapt to provide a cognitive shield

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<sup>193</sup> Gray (1999: 137) points to the fact that until 1968 Americans had great difficulty even conceiving of their country losing a war. What is more, US perceptions of war are 'strongly affected by certain peculiar attitudes and beliefs that, through the conditioning effect of long historical experience, had become almost reflexive' (Shy, 1990: 285). After all, the US owes its very existence to a war – the War of Independence. The same holds true for many other American, African and Asian countries whose independence is a result of anti-colonial wars. In light of this, it seems unlikely that these countries could ever feel the same disgust for war that a conflict-ridden Europe felt after the Second World War.

<sup>194</sup> Meyer views the Second World War as such an event or crisis. In the previous chapter, it was argued that this war constituted only the latest stage in the gradual development of ever stronger power-restraining mechanisms.

against these fears. The stronger the fears of a particular threat, the stronger and more resilient protective norms are likely to be.

This gives rise to the question of whether the event of 9/11 has been such a ‘formative moment’ that has altered US threat perceptions and hence its strategic norms.

Beck (2009: 9) defines threat (or risk) as the anticipation of catastrophe. Although risk is not synonymous with catastrophe itself, ‘[w]ithout the brutal evidence of the consciously produced catastrophe and its staging in the mass media, the anticipation of the catastrophe ... always remains merely more or less improbable’ (ibid: 39). In other words, the *expectation* of catastrophe proceeds from the real and staged *experience* of catastrophe (ibid: 67). In the previous chapter, it was shown that the real *experience* of World War II led to the *expectation* of an even greater catastrophe, and thus to the establishment of a regional authority. In this chapter, I ask whether the real *experience* of 9/11, and the way it has been staged in the wider public and mass media,<sup>195</sup> has led to the *expectation* of an even greater catastrophe, and whether this expectation can be sufficient to push states, and strong states in particular, towards some global authority. The present section attempts to answer the first part of the question by analysing the discourse surrounding Western policy makers, security documents, intelligence officials, academic analysts and the news media after 9/11. The subsequent section will then try to give an answer to the second part of the question by looking at the practices (as opposed to the rhetoric) that followed the terrorist attacks. Contrasting the post-WWII situation in Europe with the post-9/11 situation in the larger world, I conclude that the differences between the two situations are too significant for Hobbes’s logic of a common authority, applicable to the first situation, to apply to the second situation.

### *Policy makers*

Before 9/11, US policy makers only occasionally referred to the threat of nuclear terrorism. When President Bill Clinton warned of the danger of terrorists using weapons of mass destruction, he usually referred to biological and chemical weapons (Benjamin, 2003: 364). It was William Perry, Secretary of Defence, who warned ‘that

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<sup>195</sup> The media as we know it today did not exist in the early post-WWII years and certainly not in the times of Hobbes. The emergence of a mediatized risk society over the last two decades or so should not be taken to undermine Hobbes’s theory, but rather as adding another dimension of how fear can be generated. As such, Beck’s theory will be treated as an extension of Hobbes’s theory in light of the twenty-first century, even though Beck himself does not seem to view it in this way.

we're headed toward an unprecedented catastrophe where a nuclear bomb is detonated in an American city. The bomb will not come in a missile at the hands of a hostile nation. It will come in a truck or a freighter at the hands of a terrorist group' (cited in Bunn, 2006: 302). This outlook was echoed by US Senator Richard Lugar, who thought that it was 'but a small step' from 'the tragedies of Oklahoma City and the World Trade Centre to the first act of nuclear terrorism' (cited in Gurr, 2000: 5), and US Senator Sam Nunn, who proclaimed that 'the threat of a terrorist attack on American cities involving ... nuclear weapons has reached a point where a bold and vigorous effort is required' (ibid: 7).

However, such statements remained the exception. It was the terror attacks of 9/11 that shifted the significance of nuclear terrorism from being primarily academic in nature to being policy-relevant. As Vice President Cheney (2003) put it: 'The attack on our country forced us to come to grips with the possibility that the next time terrorists strike, they may well ... attempt to detonate a nuclear weapon in one of our cities'. President Bush (2003) described the threat in the following terms: 'Imagine those 19 hijackers with other weapons and other plans, this time armed by Saddam Hussein. It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known'. An even darker picture was painted by Paul Wolfowitz, Deputy Secretary of Defence, who told the House and Senate Armed Services Committee that the future was one

where new enemies visit violence on us in startling ways; a future in which our cities are among the battlefields and our people are among the targets; a future in which more and more adversaries will possess the capability to bring war to the American homeland; a future where the old methods of deterrence are no longer sufficient. (Cited in Furedi, 2007: 10)

On the other side of the Atlantic, British Prime Minister Tony Blair (2003) gave an equally grim outlook when he addressed the British ambassadors. For those state leaders who were not yet convinced of the danger of nuclear terrorism, US President Barack Obama convened a Nuclear Security Summit in an effort 'to come to a common understanding of the threat posed by nuclear terrorism' (US Department of State, 2010).<sup>196</sup> During that 'unprecedented gathering to address an unprecedented threat', Obama reinforced the Bush administration's position that '[t]errorist networks

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<sup>196</sup> While a privately run International Task Force On the Prevention of Nuclear Terrorism had already been established in 1985, the Nuclear Security Summit of 12-13 April 2010 was the first state based initiative to bring together a total of 49 state leaders. With the second summit taking place in 2012 in South Korea, and the third summit scheduled for 2014 in the Netherlands, this forum has become somewhat institutionalized.

such as al Qaeda have tried to acquire the material for a nuclear weapon, and if they ever succeeded, they would surely use it. Were they to do so, it would be a catastrophe for the world' (Obama, 2010). In fact, Obama identified nuclear terrorism 'as the most immediate and extreme threat to global security' (US Department of State, 2010).

### *Security documents*

This heightened threat perception among US policy makers is reflected in the official security documents of the US. While the National Security Strategy of 1998 identified 'the possibility of terrorists ... using WMD' as a 'special concern' (The White House, 1998: 6), the primary means to counter this threat were still seen to be found in the principle of deterrence: 'We must continue to deter ... the use or threatened use of WMD' (ibid). It took the attacks of 9/11 for government officials to fully realize that deterrence based upon the threat of retaliation was no longer an appropriate strategy for dealing with suicidal terrorists that have no return address against which to retaliate. As the National Security Strategy of 2002 recognizes: 'Traditional concepts of deterrence will not work against a terrorist enemy ... whose so-called soldiers seek martyrdom in death and whose most potent protection is statelessness' (The White House, 2002: 15). Consequently, the US is threatened 'less by fleets and armies than by catastrophic technologies in the hands of the embittered few' (ibid: 1).

This is a theme that is also common to Europe's Security Strategy of 2003, which tells us that the 'most frightening scenario is one in which terrorist groups acquire weapons of mass destruction. In this event, a small group would be able to inflict damage on a scale previously possible only for states and armies' (European Council, 2003: 4). But the US document goes further than its European counterpart by picturing the threat posed by the 'terrorism-tyrants-WMD' triangle (Berenskoetter, 2005: 78) as more dangerous than that posed by America's former enemy: while terrorists and rogue states do not rival the sheer destructive power of the Soviet Union, 'the nature and motivations of these new adversaries, their determination to obtain destructive powers hitherto available only to the world's strongest states, and the greater likelihood that they will use weapons of mass destruction against us, make today's security environment more complex and dangerous' (The White House, 2002: 13).

To substantiate the claim that terrorists would use WMD if they could get their hand on them, the National Security Strategy of 2002 refers to the events of 9/11: 'As

was demonstrated by the losses on September 11, 2001, mass civilian casualties is the specific objective of terrorists and these losses would be exponentially more severe if terrorists acquired and used weapons of mass destruction' (ibid: 15). Indeed, the Bush administration left little doubt about the mass-murderous intentions of terrorists: the National Security Strategy of 2002 equates terrorism with 'slavery, piracy, or genocide' (ibid: 6), and in the National Security Strategy of 2006 we are told that terrorists adopt means that are 'similar' to the ideologies of the last century – 'intolerance, murder, terror, enslavement, and repression' (The White House, 2006a). By the same token, the National Strategy for Combating Terrorism of 2006 declares that America is 'engaged in a global struggle against the followers of a murderous ideology that despises freedom and crushes all dissent, and has territorial ambitions and pursues totalitarian aims' (The White House, 2006b).<sup>197</sup>

### *Intelligence officials*

While it took the trauma of 9/11 to anchor the threat of nuclear terrorism firmly in the minds of Washington's political elite, intelligence officials had for a long time warned of this threat. In the 1990s, Louis Freeh, Director of the Federal Bureau of Investigation (FBI), claimed that the use of weapons of mass destruction by terrorist groups constituted 'the greatest long-term threat to the security of the United States' (cited in Furedi, 2007: 32), whereas John Deutch, Director of the Central Intelligence Agency (CIA), thought that the 'proliferation of nuclear, biological and chemical weapons and their potential use by states or terrorists is the most urgent challenge facing national security' (cited in Gurr, 2000: 5). His successor Porter Goss warned that it is 'only a matter of time before Al-Qaeda or another group attempts to use chemical, biological, radiological and nuclear weapons' (The Washington Post, 2005). Similarly, Eugene Habiger, Director of Security and Emergency Operations, publicly proclaimed that 'it is not a matter of if, it's a matter of when' terrorists with a nuclear suitcase cause an American Hiroshima (cited in Furedi, 2007: 9).

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<sup>197</sup> In the immediate aftermath of the terror attacks, Bush (2001) stated that terrorists are 'the heirs of all the murderous ideologies of the 20<sup>th</sup> century'. In fact, by 'sacrificing human life to serve their radical visions, by abandoning every value except the will to power, they follow in the path of fascism, Nazism and totalitarianism' (ibid). By using vocabulary reminiscent of America's campaign against Nazi Germany, the Bush administration created a threat perception that is in no way inferior to – and, in light of the possibility of terrorists gaining access to nuclear weapons, even goes beyond – that of the Second World War. Another image that is recurrently invoked is that of the terrorist threatening civilization itself. Secretary of State Powell (2001), for example, claimed that terrorism is a 'threat to civilization' and a 'threat to the very essence of what you do' – a reiteration of a prominent Cold War narrative.

The rhetoric was no less fatalist on the other side of the Atlantic. Like Goss and Habiger, David Veness, London Metropolitan Police Assistant Commissioner in charge of the anti-terrorist branch, maintained that the question is not if nuclear weapons are used by terrorists but when (Furedi, 2007: 9). Stella Rimington, head of MI-5, warned that we cannot rule out the possibility of a nuclear terrorist attack (Gurr, 2000: 199), and her successor, Eliza Manningham-Buller, echoed this assessment when she claimed that ‘we are faced with the realistic possibility of some form of unconventional attack’ (cited in Furedi, 2007: 9).

### *Academic analysts*

But it is not only government and intelligence officials who have been captivated by the spectre of nuclear terrorism; the issue has also haunted the imagination of the scholarly community. Already in 1999, Beck (1999: 36) predicted ‘that the private possession of weapons of mass destruction, and the potential they provide for political terror, will become a new source of dangers in the world risk society’. However, it was in the wake of 9/11 that the literature on nuclear terrorism really blossomed. After considering the different ways in which terrorists could gain access to nuclear material, terrorism expert Walter Laqueur (2002) comes to the conclusion that ‘the chance that a terrorist group will come into possession of a nuclear device is significant’. Writing in a similar vein, Graham Allison (2004: 15), Founding Dean of Harvard’s John F. Kennedy School of Government, expressed his fear that ‘a nuclear terrorist attack on America in the decade ahead is more likely than not’.

The debate is also increasingly taking place in the relevant journals. Richard Lugar (2002: 9), for example, warns in *The Washington Quarterly* that the ‘world’s most dangerous technologies’ are likely to go into the hands of the ‘world’s most dangerous people’, and the editors of *Foreign Policy* present the threat of nuclear terrorism in the following vivid terms:

Today, at the end of 2006, there may be no greater fear than the threat posed by nuclear terrorism. Whether it comes in the form of a suitcase bomb or something jerry-rigged from parts, the death and devastation unleashed by a nuclear blast in a densely populated city is a danger of nightmarish proportions. Is there a policy goal more important than guaranteeing that the most terrible technology does not land in the hands of those who wouldn’t hesitate to use it? (The Editors, 2006)

Another indicator that nuclear terrorism has reached the scholarly debate is that several academic conferences have been convened on the issue. To mention only two,

in 2004, the Center for International Development and Conflict Management of the University of Maryland held an international workshop to explore the links between non-state actors and nuclear weapons, and in 2007, the Swedish National Defence College brought together scholars from around the world to discuss issues of terrorism and WMD. At the International Studies Association annual meeting in 2012, half a dozen panels dealt with issues of nuclear terrorism.

### *News media*

Last but not least, the role of the news media has to be considered. The alarmist rhetoric of policy makers, intelligence officials and academic analysts has of course elicited keen interest from the media. As Richard Falkenrath (1998: 162) notes, ‘the media have taken their cue from these authorities, producing countless stories and segments on the subject, often with a sensationalist spin’. A survey of articles in *The Times* between 1985 and 2007 containing at least one mention of terror and WMD shows a rise from the mid 1980s to the late 1990s from about one article a month to two articles (Bellany, 2007: 17). After the terror attacks of 2001, there was a precipitous rise to over one article a day (ibid). This clearly illustrates that the media cannot be spared from an explanation of why nuclear terrorism has become such a prominent issue after 9/11.

But the media not only plays upon public concerns, it also creates these concerns. A study of coverage of risk factors associated with serious illness and death in popular magazines and newspapers has revealed that the lowest-ranking risk factor, drug use, received nearly as much attention as the second highest risk factor, diet and exercise (Glassner, 1999: xxix). Another study of newspapers found three times as many articles on homicides as on diseases, although diseases take about 100 times more lives (Stern, 2000: 35). As a result of this biased reporting, we tend to overestimate the risks that attract enough media attention, whilst underestimating those that seem mundane and routine. In the case of terrorism, the gap between the level of public dread and actual danger is especially pronounced. Because terrorist incidents are high-profile events, they receive disproportionate coverage in the media (ibid). Yet on a statistical scale of risk, terrorism ranks somewhere between the danger of being killed in a home repairs accident and the danger of being struck by lightning (Jackson, 2008: 178-179). What these examples show is that our perception of risk is



less correlated to the objectivity of risk than to the space that is devoted to the risk in the media.

However, it is not only the media that is to blame for the fact that terrorism inspires fear that is out of proportion to the risk itself. Much has to do with the nature of terrorism itself. Unlike armies, terrorists of the fourth wave tend to operate in global networks of sleeper cells which allow them to strike almost anywhere at almost any given moment (Rapoport, 2003; Wilkinson, 2003).<sup>198</sup> Not knowing where and when terrorists are to strike next creates a ‘fear of the unknown’ (Furedi, 2007: xxviii). What is more, terrorism, and suicidal terrorism in particular, continually invites the response of incomprehension (ibid). Thus, ‘[n]ot only is terrorism not entirely knowable, not being able to comprehend is what makes it so frightening’ (ibid). In this respect, Hobbes’s (1998: 38) definition of ‘terror’ as ‘fear, without apprehension of why, or what’ comes very close to our present understanding of terrorism. But it is also the weapon with which the nuclear terrorist is suspected to strike that surrounds a feeling of the unknown. As Jessica Stern (2000: 47) points out, the long term effects of nuclear radiation on the human body and on the environment are unpredictable or unknown, creating a sense of mysteriousness and invisibility.

To sum up, all commentators that have been considered in this section have contributed to the fear of nuclear terrorism. In accordance with Beck’s claim that the *expectation* of catastrophe proceeds from the *experience* of catastrophe itself, it could be shown that it took the catastrophe of 9/11 for nuclear terrorism to rise to the top of the US national security agenda. Up to that fateful day, this was primarily an expert-led debate, with much of the worst-case scenarios originating from the offices of intelligence services. It was the terror attacks that established the context within which the debate flourished in the wider public. While the catastrophe itself tends to be spatially and temporally fixed, the perception of danger that it creates lacks any spatio-temporal restriction (Beck, 2006b: 163). Given that this is particularly true with regard to terrorism, which, more than any other form of warfare, has an impact on populations immensely larger than that against which the terrorist act is directed (Friedland, 1985: 592), we may not have to await a global catastrophe before states create institutions beyond the state. All that is needed, Beck (2005: 254) points out, is a globally shared expectation of said catastrophe:

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<sup>198</sup> For a critical discussion, see De Goede (2008).

If anything at all, it is only the perceived risks facing humanity – which can be neither denied nor externalized – that are capable of awakening the energies necessary for creating a global community of common destiny, one that will demolish the walls of nation-state borders and egotisms – at least for a global moment in time. Precisely because it has to do with perception of global risk, it is not tied to the objectivity of risks. Its omnipresence needs to be implanted into people’s hearts and minds through global information and global symbols, regardless of such objectivity.... Once people perceive the dangers facing humanity, those things that govern the past, such as the dominance of boundaries and traditions, become politically irrelevant and are replaced by the things that govern the future, in which the uncertainties surrounding risk take a firmer hold.

It is left to the next section to determine whether the heightened fear of nuclear terrorism that this section has identified within the public discourse, and that is constantly reproduced by a concerned news media, is sufficient to ‘demolish the walls of nation-state borders’ and push states towards some global authority.

### **The prospect of a global authority**

Until the end of the twentieth century, one could hardly construe the situation of the US as analogous to the situation of people in a Hobbesian state of nature. Yet it seems that after the terror attacks of 9/11 the country finds itself in such a state of fear. For David Runciman (2006: 128), the attacks even marked ‘an inversion of the entire Hobbesian order, which supposes that states have less to fear than individuals’. But when the US is exposed to equal or even greater anxieties than what people face in a Hobbesian state of nature, we might expect the country to reach the same conclusions as those stateless people. In fact, Beck (2003: 258) believes that the fear invoked by the terror attacks has cultivated ‘a quasi-revolutionary situation’. But he adds that this fear ‘can be used in quite different ways’ (ibid). In the following paragraphs, it will be examined in what ways the Bush administration exploited the fear of nuclear terrorism that loomed large after 9/11.<sup>199</sup>

Lawrence Freedman (2004: 26) has presented a spectrum of strategies a state can employ to make itself secure from nuclear attack. Freedman differentiates between control (the application of force is such that the actions of an agent cannot be considered voluntary), coercion (the threat of force is such that the actions of an agent can be influenced) and consent (the actions of an agent can be influenced without the

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<sup>199</sup> As shown in the previous section, the Bush administration was actively involved in the construction of this fear. As such, it not only reacted to the fear of nuclear terrorism but also helped to create this fear, quite possibly with a view to implementing the policies that are discussed below.

application or the threat of force). A controlling strategy includes fighting, a coercive strategy has the disposition to it and a consensual strategy is inherently peaceful.

Coercive strategies, to begin with, can be divided into deterrence (persuading an agent that he must not act for fear of the consequences if he does) and compellence (persuading an agent that he must act for fear of the consequences if he does not) (ibid). During the Cold War, the US applied the strategy of coercion in the form of deterrence. America's security rested on the promise that a nuclear attack on its soil would elicit massive retaliation. However, the collapse of the Soviet Union and the advent of the fourth wave of terrorism seem to have rendered this strategy obsolete. Because of the former event, deterrence is no longer necessary; because of the latter event, deterrence is no longer possible. In order to prevent states from passing on nuclear material to undeterrable (and uncompellable) terrorists, the US has to deprive them of the capability and/or the motivation to do so. The former might be achieved through disarming, the latter through regime change. Both are controlling strategies: the first one is controlling because it denies an actor a decision, the second is controlling because it changes the character of an actor as a decision-maker (ibid: 85).

The paradigm shift from a coercive to a controlling strategy is particularly evident in the National Security Strategy of 2002, which can be seen as 'the most important reformulation of U.S. grand strategy in over half a century' (Gaddis, 2002: 57). With its diagnosis that 'some enemies cannot be deterred' (The White House, 2002: 30) and its call to 'preempt emerging threats' (ibid: 15) the document marks a clear departure from earlier documents. Alex Bellamy (2006: 170) has suggested that the most severe danger that is associated with this new paradigm of pre-emption, which is essentially preventive,<sup>200</sup> is that it opens the door to error: the earlier a state acts, the more likely the potential for flawed intelligence becomes. The Iraq War of 2003 clearly demonstrates this danger.<sup>201</sup>

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<sup>200</sup> Bellamy's (2006: 165) definition of preventive war as a war being 'launched before a threat has fully emerged' perfectly matches America's new paradigm of acting against 'emerging threats before they are fully formed' (The White House, 2002: foreword).

<sup>201</sup> Like the 2002 National Security Strategy, the 2003 Iraq War must be seen in the context of 9/11. In his attempt to convince the international community of the legitimacy of a military operation, President Bush constantly referred to that fateful day: 'If an emboldened [Iraqi] regime were to supply these weapons [of mass destruction] to terrorist allies', Bush (2002c) argued in his 2002 speech to the UN, 'then the attacks of September 11<sup>th</sup> would be a prelude to far greater horrors'. In a similar manner, Secretary of State Powell told the UN that '[I]eaving Saddam Hussein in possession of weapons of mass destruction for a few more months or years is not an option, not in a post-September 11<sup>th</sup> world' (cited in Kaufmann, 2009: 101). After the war, Secretary of Defense Rumsfeld admitted that 'the coalition did not act in Iraq because we had discovered dramatic new evidence of Iraq's pursuit of weapons of mass murder. We acted because we saw the existing evidence in a new light, through the prism of our experience on September 11' (The New York Times, 2003). These statements suggest that 9/11

The US-led invasion of Iraq makes a good case for investigation for several reasons. On the one hand, the war was justified primarily on the ground that Iraq possessed biological and chemical weapons, that it was actively seeking nuclear weapons and that, due to the regime's close ties to Al-Qaeda, these weapons might end up in the hands of terrorists. On the other hand, the invasion was the first full application of the strategy of control – an attempt to deprive the enemy of the capability to pass on WMD through disarmament and of the motivation to do so through regime change.<sup>202</sup> However, when US troops moved into Iraq they could not find the WMD the country was supposed to possess. Moreover, the suspected link between Iraq and Al Qaeda turned out to be flawed.

While there was no such link before the war, there was certainly one after the war. Early in the war, a senior US counterintelligence official noted that 'the invasion of Iraq is already being used as a recruitment tool by Al Qaeda and other groups. And it is a very effective tool' (cited in Alterman, 2004: 1006). Worldwide terrorist acts rose from 175 incidents in 2003 to 651 attacks in 2004, with the number of people falling victim to these attacks more than tripling from 625 to 1,907 (Glasser, 2005). Given this record, and considering that the invasion provoked an anxious neighbouring Iran to speed up its nuclear weapon program, some commentators concluded that the war was counter-productive in that the US had been safer before the war than it is today. According to Stern (2004: 1123), the 'precautionary approach as applied to Iraq has made the world more dangerous and more uncertain', and for former presidential candidate and current Secretary of State John Kerry (2004), 'the president's policy in Iraq precipitated the very problem that he said he was trying to prevent'. Such a 'boomerang effect' was already on some scholars' minds before the war had even begun. Richard Betts (1998: 40), for example, argued that 'American intervention in troubled areas is not so much a way to fend off ... threats as it is what stirs them up'.

This, in effect, turns the offensive realist logic on its head. Recall that for offensive realists 'the best way to survive is to be especially powerful' (Mearsheimer, 2011: 80). The reasoning behind this logic, Mearsheimer explains, is that 'the more powerful a state is relative to its competitors, the less likely it is that it will be attacked' (ibid). Now, with the fourth wave of terrorism, the opposite seems to hold true: the

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achieved the status of a 'background narrative' that rendered a previously tolerable risk intolerable (Lustick, 2006: 17).

<sup>202</sup> Earlier US-led campaigns against Iraq – Operation Desert Storm in 1991 and Operation Desert Fox in 1998 – only aimed at the disarmament aspect.

more powerful a state is, the more likely it is that it will be attacked. As Beck (2006b: 252-254) notes:

The global dangers of world risk society are destroying nothing less than the promise of security provided by military power on which the modern state was founded – namely, the greater its military power, the more powerful and invulnerable the state.... In other words, in world risk society military strength easily mutates into weakness because, instead of solving problems, it contributes to producing and exacerbating them.

Elsewhere Beck (2005: 193) argues ‘that only that military power which voluntarily subjects itself to the dominion of the law in a global realm, and binds itself to it, can create political power’. Given that coercive strategies do not work against suicidal and stateless terrorists, and given that controlling strategies are likely to trigger even more attacks and hence fear, states may in fact one day follow a consensual strategy (Kaldor, 2004).<sup>203</sup> As it stands, though, a common authority founded upon consent is still a far cry from the realities of our world today.

While there is no scholarship on the prospects the fear of nuclear terrorism holds for the reproduction of a common authority on a global scale, Cerutti (2007: 197) has asked himself whether the ‘fear of nuclear war [can] ... be strong enough and push in the same direction (a Superleviathan, this time among states) as the fear ... experienced in the Thirty Years’ War’. His answer is that ‘after shocking events ... it cannot be excluded that it works reasonably in the Hobbesian protecting way, allowing for the creation of a common power’ (ibid). However, like Beck, he admits that fear can lead to all sorts of outcomes (ibid). If we take ‘creation of a common power’ to be the rational response to the fear that loomed large after the shocking events of 9/11, what the Bush administration’s response to the terror attacks shows is that states do not always act rationally. This, in turn, poses questions about the validity of Hobbes’s characterization of human psychology. Maybe – by international analogy – people are not always rational, but, as Hobbes sometimes seems to suggest, overcome by their shortsightedness and passions.

Another, perhaps more plausible, answer for why a common authority has not taken hold globally is that there are some substantial differences between the domestic and the regional case, on the one hand, and the global case, on the other hand. For one thing, the existential fear that characterizes Hobbes’s state of nature, and that presided over the birth of the ECSC, does not seem to run deep enough. Despite what several

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<sup>203</sup> Like coercive and controlling strategies, a consensual strategy can manifest itself in a multiple of ways, ranging from isolation (states consent not to interfere with each other) to integration (states consent to give up their sovereignty within some global contract).

policy-makers, intelligence officials, academic analysts and the media suggest, the risk of a nuclear terrorist attack remains extremely small. And even if such an attack were ever to happen, there is an equally small chance that it would annihilate an entire country. What is more, the public climate of fear, due to the ‘threat inflation’ after 9/11, seems to have reached a stage of exhaustion where people no longer take these threats seriously (Cramer, 2009: 1).

For another thing, the collective fear of Hobbes’s state of nature does not seem to extend wide enough. Ultimately, the binary division of countries into strong ones, which are ‘the greatest hurdle to world state formation’, and small ones, which are ‘the principal engine in the system’s development’ (Wendt, 2003: 524), turns out to be too simplistic. Even if we assume that great powers like the US, as a result of the blown up threat of nuclear terrorism, are no longer a hurdle to world state formation, there are other powers, great and small, that do not face this or an equivalent threat. Just as the European experience of continental war does not apply to other places with different histories, the American experience of 9/11, while having an impact on populations immensely larger than that of the US, does not extend across the globe. At last, we have reached the point to which the Hobbesian analogy can be stretched: while Hobbesian reasoning allows us to go quite a way, it cannot, at least not at this point in history, underpin a global authority.

But when the trauma of 9/11 is not rooted deep and wide enough as to push states towards a global authority, could a more traumatic event possibly do so? For Cerutti (2007: 199), ‘cosmopolitanism based on the fear mechanisms assumed in the domestic analogy is more convincing than any notion of world government appealing to the sense of humanity that is assumed to be present in the human beings and only needs to be reactivated by humanistic or religious hortatory’. Equally, for Beck (2002: 47), fear remains the last resource for making new bonds after the faith in God, class, nation and progress have largely disappeared. Accordingly, his ‘theory of world risk society is not just another kind of “end-of-history” idea; this time world history does not end with the resolution of political and social tensions, as Marx and Fukuyama believed, but with the end of the world itself’ (ibid). My own conclusions are somewhat similar: whether a catastrophe greater than the 9/11 terrorist attacks, such as a nuclear terrorist attack, would have the potential to push states into the direction of a global authority is an open question. But if such an authority is ever to come about, it

is likely to be a result of enlightened self-interest rather than idealistic enthusiasm, as the history of Europe teaches us.

### **Rawls in a global age**

Having considered the prospects of a Hobbesian global authority in the last three sections, the remaining three sections evaluate the possibility of a Rawlsian global redistribution scheme. In the last chapter, it was shown that parties to a future cooperative venture might set up distributive instruments to make the cooperative venture a mutually advantageous one. Yet to this day the EU remains the only regional arrangement with routine mechanisms for redistribution. Institutional cosmopolitans like Cabrera (2004: 72) wish ‘to see all states embedded in regional organizations broadly similar to the European Union, where routine, tax-financed distributions are made to less affluent states or sub-state regions’. But we might imagine not only a replication of the redistribution scheme of the EU, but also an extension to countries with which the EU has close economic ties. The Eastern Enlargement of 2004 serves as an illustrative example of this.

After the collapse of the Soviet Union, the CEECs directed their trade increasingly towards the EU. Between 1989 and 1994, the exports of these countries to the EU grew by 80%, whereas imports increased by more than 100% (Bofinger, 1999: 292). In this five-year period, Poland’s exports to the EU saw a rise of 136% and its imports a rise of 174% (ibid). While in 1990 the share of total EU exports to the CEECs amounted to 6.8%, in 1994 it reached 9% (Jovanovic, 1997: 259). In the same period, the share of total EU imports from the CEECs increased from 6.7 to 9% (ibid). In the mid-1990s, when the accession of the CEECs to the EU became an issue, the so-called Europe Agreements (EAs) eliminated almost all tariffs on imports from these countries (agricultural and sensitive products being the exception). This had further effects on trade. Already in 1993, the EU market was critical to CEECs exports, amounting to 63% of total Czech exports and 55% of total Hungarian exports (Baldwin, 1997: 130). Between 1993 and 2000, Czech exports to the EU grew by 230% and Hungarian exports increased by more than 400% (O’Brennan, 2006: 134). By 2000, the CEECs were trading with the EU just as much as the EU member states were trading with each other (ibid).

In light of these figures, the EU had a strong economic interest to do away with all remaining tariff and – in particular – non-tariff barriers and extend the single

market to the CEECs (Baldwin, 1997; Breuss, 2001). Especially the exporting industries expected to reap great benefits from enlargement, adding more than a hundred million new customers to the EU market. In 2004, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia joined the EU, only to be followed by Romania and Bulgaria in 2007. Together with Portugal and Greece, these countries are now drawing on funds from the Cohesion Fund. In addition, nearly all regions of the new member states, except for those of Cyprus, are eligible for Structural Funds resources under Objective 1. This gives rise to the question of whether this model can be applied to an even greater number of states.

The CEECs are not the only group of states that has been granted preferential access to the EU market. In 1975, the Lomé Convention allowed agricultural and mineral products from 71 African, Caribbean and Pacific (ACP) countries – most of them former colonies of the EU member states – free access to the European market. Yet despite these countries enjoying the most privileged treatment in trade with the EU among all developing countries, their relative share in trade with the EU has been on a steady decline. *Table 3* reveals that the share of EU exports to ACP countries fell from 5.0% in 1970 to a mere 1.4% in 2000. In the same period, the share of EU imports from ACP countries dipped sharply from 5.1% to 1.5%.

*Table 3:*

	1970	1980	1990	2000
EU-25 exports to ACP countries as % of total	5.0	4.3	1.9	1.4
EU-25 imports from ACP countries as % of total	5.1	4.5	2.2	1.5

Reproduced from Söderbaum (2010: 74)

In 1993, the (by then) 79 ACP countries exported to the EU just as much as Norway (Jovanovic, 1997: 268). What is more, these exports are concentrated in a small number of countries, with Nigeria accounting for more than one-fifth (*ibid*), and just ten countries accounting for more than two-thirds of total ACP exports to the EU (Hansen, 2001: 209).

In light of this, the EU has clearly no interest to incorporate the poorest of the poor countries into the single market and its redistribution scheme: while the EU member states would gain little in terms of trade creation, they would lose a lot in that the ACP countries, essentially the poorest countries of the world, would fully absorb



the Community's redistribution funds. Considerations of self-interested reciprocity, requiring that all parties gain in comparison to the benchmark of actual holdings, cannot account for an extension of the single market and its distributive mechanisms to the ACP countries. As Barry (1982: 233) noted over thirty years ago, 'the extent of increased cooperation that would really be mutually beneficial is probably quite limited.... The conditions of reciprocity – that all parties stand prospectively to benefit from the scheme – simply do not exist'.

Given that the ACP countries have been increasingly marginalized with regard to EU and, in fact, world trade relations,<sup>204</sup> some writers have argued that globalization no longer operates on the basis of expansion and inclusion but on a new logic of consolidation and exclusion. Manuel Castells (1996: 145), for example, holds that

[t]he architecture of the global economy features an asymmetrically interdependent world, organized around three major economic regions and increasingly polarized along an axis of opposition between productive, information rich, affluent areas, and impoverished areas, economically devalued and socially excluded.

Elsewhere, Castells (2000: 168) even claims that 'a new world, the Fourth World, has emerged, made up of multiple black holes of social exclusion throughout the planet'. More recently, Mark Duffield (2007a: 336) has noticed that the 'inclusion of the South within the conventional global economy can no longer be taken for granted'. But when certain countries are socially and economically excluded, even considerations of fair reciprocity no longer apply, for this concept gives no moral standing to those that do not contribute.

Motives of justice as reciprocity, both on its self-interested and fair variant, obtain only among countries that are able to make a contribution. Where one country has nothing to offer, there is no sense in which the other country could reciprocate. It is at this point that we have to acknowledge the limit to which the Rawlsian analogy can be pushed. While we might imagine the EU's redistribution scheme extending to countries with which (mutually beneficial) cooperation is possible – as the continuous expansion of the Community towards the former communist countries of Eastern Europe reflects – countries which lack the capacity to make a substantial contribution will be left out of the scheme.

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<sup>204</sup> ACP countries have not only reduced their trading volume with the EU, but with the world as a whole. Between 1970 and 2000, the ACP countries' share of world exports fell from 4.4 to 1.6% (Söderbaum, 2010: 74). A similar picture emerges with regard to Africa. Between 1980 and 2000, Africa's share of world exports decreased from 4.6 to 1.8% and its share of world imports decreased from 3.6 to 1.6% (ibid: 72).

But even though we may have reached the limit of the Rawlsian idea that redistribution is possible where parties have something to contribute to the cooperative surplus, we may be able to rescue the logic of reciprocity that lies behind it. On this logic, everyone who has something to offer – be it in terms of contributing to the cooperative surplus or else – might be captured within a redistribution scheme, whereas those with nothing to offer – probably the ones that stand most desperately in need of assistance – are banned from the scheme.

It is because of the latter feature that Rawls's conception of justice has been widely and heavily criticized. Barry (2002: 50) argues that justice as reciprocity fails to generate the results that we normally would think of as just because it allows for the exclusion of those who are not productive members of society. Similarly, Richards (1982), Beitz (1983), Buchanan (1990), Cabrera (2004), Nussbaum (2004) and Caney (2005) think that justice as reciprocity is not the concept we need to guide us as it ascribes rights only to those who can provide benefits for others. Instead, all these thinkers favour an alternative approach – going under headings as diverse as 'justice as impartiality' (Barry, 2002), 'moral reciprocity' (Richards, 1982; Cabrera, 2004) and 'subject-centered justice' (Buchanan, 1990) – that makes moral status dependent upon features of the human being itself, rather than its ability to benefit others. Especially Beitz's position is interesting in this regard, as he had formerly argued that it is our belonging to a global cooperative venture for mutual advantage that justifies the application of principles of distributive justice to the international level, but later holds that this argument 'misses the point' (Beitz, 1983: 595). Having been criticized by Barry (1982) and Richards (1982) for wrongly assuming 'actual reciprocity', that is, the existence or possibility of mutually beneficial cooperation at the global level, Beitz subsequently claimed that it is our status as equal moral persons that calls for international distributive justice.<sup>205</sup>

But there is no reason to give up on reciprocity as quickly as Beitz does, for there is 'another kind of interest argument which is not in terms of mutual benefits. It is an uglier one. It is interest derived from fear. We should give them something, because they can do an enormous amount of harm to us' (Hoffmann, 1981: 162). In fact, there is nothing that dictates that parties can only bargain with their productive assets. They may equally bargain with their disruptive and – as we saw in the

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<sup>205</sup> The term 'distributive' is somewhat misleading here as it implies the distribution of a cooperative surplus. However, as Beitz (2001: 120-121) points out, the question of whether rich countries have reason to relieve suffering in impoverished countries concerns contribution, not distribution.

discussion of Hobbes – destructive capacities. Thus, while some parties may not be able to offer anything in economic terms, they may be able to offer their restraint. This suggests that there is another form of reciprocity operative in social life: agreeing upon a just scheme of cooperation can be in the interest of both the poor and the rich because doing so provides material benefits to the poor while freeing the rich from the threat of disruption. Although the poor may not be able to contribute much to the social output, they may well be able to disrupt the social order in such dramatic ways that it is in the interest of the rich to include them in their redistribution schemes.<sup>206</sup>

This line of argument, bringing together order and justice in an intuitive way, is one that Barry (1989b: 428) seems to accept when he points to the fact that in nineteenth century Germany the conservative government of Bismarck introduced welfare legislation ‘precisely in order to forestall destabilizing demands on the system’.<sup>207</sup> Indeed, history shows that the introduction of welfare services at the domestic level often results not so much from conflicting claims over a cooperative surplus, but from the perception that poverty poses a threat to the interests of the upper classes (Trattner, 1983; Skocpol, 1992).

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<sup>206</sup> Already Glaucon, in a dispute with Socrates, claimed that justice is a necessary price to pay for order and peace (Plato, 1987: II 359a-b). In modern times, it was no less a figure than Hobbes (1998: 230) who reminds us that with the multitude of poor increasing even an orderly social system would collapse into war. For Hobbes, both commutative justice and distributive justice are a precondition for order. In the enlightenment, it was Hume (1902: 190) who kept alive the idea that the capacity to harm guarantees access to just terms of interaction: ‘Were there a species ... of such inferior strength, both of body and mind, that they were incapable of all resistance, and could never, upon the highest provocation, make us feel the effects of their resentment; the necessary consequence, I think, is that we ... should not, properly speaking, lie under any restraint of justice with regard to them’. For Hume, a species powerless to harm us can at most hope to be given gentle usage, but cannot expect to be treated justly. This can only mean that everyone who can inflict substantial harm on us must be incorporated in a scheme of justice. As Gibbard (1991: 271), a champion of this idea in recent times, notes: ‘There are good egoistic reasons for including anyone who would make too much trouble otherwise’. Buchanan (1990: 249), on the other hand, denies that the capacity of others to harm us can rescue justice as reciprocity on the ground that ‘in some cases (perhaps many), the more competent ... will also have greater threat capacity or at least sufficient power or cunning to neutralize threats of disruption by the less competent’. What Buchanan does not take into account is that the less competent are often so poor and desperate that they have little, if anything, to lose. But then they will be rather indifferent to the threat capacities of the more competent, as anti-colonial struggles and the recent events of the Arab Spring illustrate. What is more, by joining forces, the less competent might gain a greater threat capacity than the more competent, as Buchanan freely admits.

<sup>207</sup> Beetham (1995: 58) draws attention to another European country, Britain, where the upper classes’ fear of contagion fuelled the public health movement and where the discovery that widespread unemployment among young males produced a chronic surge in crime led to the introduction of unemployment benefits. In an earlier work, Barry (1973: 132) compares the attitude of the global North to that of the French aristocracy in the late eighteenth century: ‘Is it necessary to add that the attitude of the rich countries is also, considered from the viewpoint of political prudence, about on the level of the French aristocracy when it refused to give up any of its privileges before the Revolution? Even if the poor countries are not strong enough to attack the rich, the turmoil into which they will be thrown as population pressure and poverty increase in the later decades of the century are, now that the nuclear super-powers seem to have reached a limited understanding with each other, the most likely cause of catastrophic conflict in the relatively short term’.

Given that this perception is now operative at the international level, Carr (1945: 46-47) argued in 1945, there is hope for the development of a global welfare state. Fifty years later, David Beetham (1995) picked up on Carr's point. Asking himself whether the containment of the 'dangerous classes' through welfare arrangements could also work at the international level, Beetham (ibid: 58-59) arrived at the following conclusion:

At present the spillover effects ... may seem too remote and uncertain to convince people of their interdependency at the international level. Yet the fact that these global interdependencies are increasing suggests that the pressures to develop a new global compact and a corresponding reform of international economic institutions to meet the demands of basic economic and social rights will themselves increase rather than diminish in the future, for all their apparent impracticality in the present.

Looking at the issue through the prism of the twenty-first century, the remainder of this chapter explores whether the terror attacks of 9/11 were the ultimate manifestation that negative spillover effects are no longer 'remote and uncertain' but approximate and real, as a result of which even affluent states have a self-interested reason to 'develop a new global compact' that would see the systematic redistribution of wealth.<sup>208</sup>

### **9/11 and the security-development nexus**

In his influential book *Why Men Rebel*, Tedd Gurr (1970) investigates the circumstances under which people resort to violence. Drawing on frustration-aggression theory (Dollard, 1939; Miller, 1941), Gurr argues that violence is first and foremost a result of deprivation. But unlike frustration-aggression theory, which treats deprivation as an absolute category, Gurr sees his theory as one of relative deprivation. According to him, people always feel deprived in relation to some privately held

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<sup>208</sup> While the kind of reciprocity argument sketched above is one of justice as self-interested reciprocity, we may easily think of a context for an argument of justice as fair reciprocity. We only have to modify the example of the talented and not so talented person that was given in chapter 3. As it was said there, the talented person is able to develop his or her talent only because of the cooperation of the not so talented person. Alternatively, we might think of a slave society in which the master is able to develop his talent only because of his exploitation of the slave. Again, if the master is solely moved by considerations of self-interest, he will keep the fruits of his talent for himself. However, if the master is moved by considerations of fair reciprocity, he will recognize that he has what he has only because of his exploitation of the slave. But then it is only fair to share the fruits of his talent. In recent years, Pogge (1998; 2002) has developed a somewhat analogous argument. According to him, the global North has what it has partly because of its colonial exploitation of the global South. Having deprived the South of a fair share of global economic growth, Pogge believes the North to have a negative duty to make good for its exploitation, oppression and enslavement. Here it is the reference to a common violent history that establishes the context that is needed for arguments of justice as fair reciprocity to come into play.

expectations. Gurr identifies three types of discrepancy between value expectations (the goods and conditions of life to which people believe they are rightfully entitled) and value capabilities (the goods and conditions of life which people think they are capable of getting and keeping): decremental deprivation (value expectations remain relatively constant while value capabilities decline), aspirational deprivation (value capabilities remain relatively constant while value expectations intensify) and progressive deprivation (a simultaneous increase in value expectations and decrease in value capabilities).

With a view to economic values, examples of decremental deprivation are declining production of material goods and deteriorating terms of trade (Gurr, 1970: 46). Aspirational deprivation is likely to be the result of what Gurr (*ibid*: 92-93) calls the demonstration effect: through new communicative media, a group on a lower standard of living becomes acquainted with higher standards of living and comes to desire the benefits of the higher standard. Finally, progressive deprivation occurs when there is both a worsening of a group's economic position and an exposure of that group to the higher living standard of some reference group (*ibid*: 93). Any of these forms of relative deprivation gives rise to frustrations. 'If frustrations are sufficiently prolonged or sharply felt', Gurr (*ibid*: 37) argues, 'aggression is quite likely, if not certain, to occur'.<sup>209</sup>

While relative deprivation theory is not a theory of terrorism as such, this section will demonstrate that after the terror attacks of 9/11 the theory was increasingly invoked to explain and caution against terrorist acts of violence. Again, close attention will be paid to the discourse surrounding Western policy makers, security documents, international institutions and academic analysts. The subsequent section will then examine whether the growing appreciation of economic factors in explanations of terrorism is sufficient to push states towards a global redistribution scheme. Contrasting the insecurity felt by rich people in the nineteenth century with the insecurity felt by rich states in the twenty-first century, I conclude that the two situations are not similar enough to apply the logic of the welfare state to the global level.

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<sup>209</sup> In subsequent years, Gurr's thesis was further developed by Feierabend, Feierabend and Nesvold (1972) and Davies (1974). What all theories have in common is the notion of a discrepancy – a 'relative deprivation gap' between 'value expectations' and 'value capabilities' (Gurr, 1970), a 'want-get gap' between 'social expectations' and 'social achievement' (Feierabend, 1972), or a gap between 'expected need satisfaction' and 'actual need satisfaction' (Davies, 1974) – that creates frustrations, which, in turn, lead to aggression.

### *Policy makers*

As early as 1949, US President Harry S. Truman (1949) argued for development assistance on the ground that the poverty of the underdeveloped areas of the world is ‘a threat both to them and to the more prosperous areas’. Yet during the Cold War, US development assistance was primarily given to contain the Soviet threat rather than the threat posed by the underdeveloped world. It was only after the collapse of the Soviet Union, and after the terror attacks of 9/11 in particular, that the notion of the poor turning against the rich found renewed expression. Six months after the attacks, President Bush (2002d) declared that ‘we fight against poverty because hope is an answer to terror’. On the occasion of the first anniversary of the attacks, he explained that ‘[p]overty does not transform poor people into terrorists and murderers. Yet poverty, corruption and repression are a toxic combination in many societies, leading to weak governments that are unable to enforce order or patrol their borders and are vulnerable to terrorist networks and drug cartels’ (Bush, 2002e). This seems to be a cross-party narrative. In almost identical words, Hillary Clinton, Secretary of State under the first Obama administration, claimed that ‘[p]overty and repression do not automatically engender terrorism, but countries that are impoverished, corrupt, lawless, or mired in recurring cycles of conflict are more prone to becoming havens for terrorists and other criminals’ (Clinton, 2010: 23; see also Gore, 2002).<sup>210</sup>

Colin Powell (2005: 29), Secretary of State under the first Bush administration, maintained that ‘the United States cannot win the war on terrorism unless we confront the social and political roots of poverty’. Considerations of rationality and morality therefore go hand in hand for Powell: ‘We live in a world in which our own self-interest depends on advancing the interests of others.... By helping others, we help ourselves’ (ibid: 34). Susan Rice (2006: 77), current US ambassador to the UN, also draws a direct connection between terrorism and poverty when she states that ‘Saudi Arabia, home to several 9/11 hijackers, experienced rapidly declining GDP’. Like Powell, she therefore argues that ‘global poverty is not solely a humanitarian concern. In real ways, over the long term, it can threaten U.S. national security’ (ibid: 76). Rice believes that ‘Americans will almost certainly pay more dearly over the long term if our leaders fail to recognize the risks and costs to the United States of persistent global poverty’ (ibid: 82). Note that the fight against poverty is mentioned here not so much

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<sup>210</sup> This narrative is reminiscent of the popular Cold War storyline that poor countries pose a danger to the US because they are more prone to Communism.

in the context of humanitarianism as in the context of threats and risks, with the only viable path to security being seen in development.

With this assessment, US policy makers, who have always been more inclined to view development as part of a broader security agenda, do not stand alone. On the contrary, the ‘security-development nexus’ (Uvin, 2002) has found keen supporters among European statesmen. British Prime Minister Blair (2004), for example, warned that ‘[p]overty and instability leads to weak states which can become havens for terrorists and other criminals’. The conclusion he draws from this is ‘that we can’t, for our national interests, ignore other countries and continents. Famine and instability thousands of miles away lead to conflict, despair, mass migration and fanaticism that can affect us all. So for reasons of self-interest as well as morality, we can no longer turn our back on Africa’ (Blair, 2005).<sup>211</sup> Arguing in a similar vein, British Foreign Secretary Robin Cook emphasized that the plight of the poor is the plight of the rich: ‘If we are all prosperous, we all win. If there is widespread poverty, we all lose’ (cited in Abrahamsen, 2005: 63). Picking up on the point of his predecessor, Jack Straw (2002) stressed that ‘it is no longer possible to neglect the world’s problems without running the risk of eventually suffering the consequences’. On another occasion, Straw felt obliged to ‘remind ourselves that turning a blind eye to the breakdown of order in any part of the world, however distant, invites direct threats to our national security and wellbeing’ (cited in Abrahamsen, 2005: 67). Again, poverty is coupled with risks and threats, rather than being considered a problem in its own right. This, of course, is the old attempt to provide a rational grounding of morality.

### *Security documents*

The fusion of rationality and morality takes also place in the major security documents. In the foreword to the US National Security Strategy of 2002, we find the familiar link between poverty and terrorism: ‘Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders’ (The White House, 2002: Foreword). The document then goes on to argue that morality and self-

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<sup>211</sup> Consider also the following statements by European state leaders: for German Chancellor Gerhard Schröder (2001), ‘[e]xtreme poverty, growing inequality between countries, but also within countries themselves, are great challenges of our times, because they are a breeding ground for instability and conflict. So reducing worldwide poverty is, not least, essential to safeguarding peace and security’. Equally, French President Jacques Chirac (2004) proclaimed that ‘the security and stability of the world are under threat from the reactions of populations that are deprived of their basic rights’.

interest ‘lead in the same direction’ because poverty ‘threatens both a core value of the United States – preserving human dignity – and our strategic priority – combating global terror’ (ibid: 10). As a result, ‘[i]ncluding all of the world’s poor in an expanding circle of development – and opportunity – is a moral imperative and one of the top priorities of U.S. international policy’ (ibid: 21).

While the US National Security Strategy of 2002 tends to focus on the effects poverty eradication has for the fight against terrorism, the European Security Strategy of 2003 puts emphasis on its ramifications for security more broadly. ‘A world seen as offering justice and opportunity for everyone’, the EU document states, ‘will be more secure for the European Union and its citizens’ (European Council, 2003: 10). Consider also the Report on the Implementation of the European Security Strategy of 2008, holding that ‘without development and poverty eradication there will be no sustainable peace’ (European Council, 2008: 8). EU documents on development affirm this link. The European Consensus on Development of 2006, for example, declares that

EU action for development, centred on the eradication of poverty in the context of sustainable development, makes an important contribution to optimizing the benefits and sharing the costs of the globalisation process more equitably for developing countries, which is in the interests of wider peace and stability, and the reduction of the inequalities that underlie many of the principal challenges facing our world. A major challenge the international community must face today is to ensure that globalisation is a positive force for all of mankind. (European Council, 2006: 7)

In fact, the security-development nexus has informed almost every development report that has been produced by Western governments after 9/11.<sup>212</sup> Drawing on what Gurr calls decremental deprivation – a discrepancy between expectations and capabilities as a result of constant expectations and declining capabilities – the British Department for International Development (2001: 14) found that because of ‘economic decline [African Sub-Saharan] governments find themselves unable to fulfil promises of more jobs, better wages and improved public services.

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<sup>212</sup> Consider, for example, the following declarations released by government agencies: according to the British Department for International Development (DFID), ‘UK development assistance helps build global peace and stability for the longer term, by reducing inequality and exclusion, supporting the development of capable, responsible states and reducing conflict. Money spent on reducing poverty is money spent for a more secure world’ (Department for International Development, 2005: 23). Similarly, the Canadian International Development Agency (CIDA) declared that ‘Canadians, who come from every corner of the globe, understand that the life we enjoy in Canada depends increasingly on helping to make the world a better place.... Canadians cannot be safe in an unstable world, or healthy in a sick world; nor can we expect to remain prosperous in a poor world. Failure to achieve significant political, economic, social and environmental progress in the developing world will have an impact on Canada in terms of both our long-term security and our prosperity. Security and development are inextricably linked’ (Canadian International Development Agency, 2005).



Important sections of the population – particularly young men – become disillusioned, marginalised and frustrated’. The document then goes on to establish the link between frustration and aggression, and to call for increased development assistance to counter these frustrations (ibid: 21).

### *International institutions*

At least since the Brandt Report of 1980, development and security have been treated as complementary agendas at the senior levels of international institutions. In 2000, Michel Camdessus, Managing Director of the International Monetary Fund (IMF), stated that ‘[p]overty is the ultimate systemic threat facing humanity.... If the poor are left hopeless, poverty will undermine societies through confrontation, violence and civil disorder’ (cited in Thomas, 2001: 3). In the same year, James Wolfensohn, President of the World Bank, suggested that ‘[w]hen we think about security, we need to think beyond battalions and borders. We need to think about human security, about winning a different war, the fight against poverty’ (ibid: 5).<sup>213</sup> However, it was the terror attacks of 9/11 that sharpened the focus of the international development community on the interplay between development and security. In the context of the attacks, UN Secretary-General Kofi Annan argued that

[d]evelopment and security are inextricably linked. A more secure world is only possible if poor countries are given a real chance to develop. Extreme poverty and infectious diseases threaten many people directly, but they also provide a fertile breeding ground for other threats, including civil conflicts. Even people in rich countries will be more secure if their Governments help poor countries to defeat poverty and disease by meeting the Millennium Development Goals. (Cited in Stern, 2010: 5)

Given that the vast majority of funds to the IMF, World Bank and the UN is provided by member states of the Organization for Economic Co-operation and Development (OECD), the guidelines prepared by the OECD’s Development Assistance Committee (DAC) powerfully shape the international development agenda. While earlier DAC guidelines already pressed for the inclusion of security imperatives into donor programming (Hampson, 2002: 164-165), the 2003 document ‘A Development Co-operation Lens on Terrorism Prevention’ presents a new high point in this regard. In this document, the DAC identifies terrorism as stemming from a sense of anger arising from ‘exclusion’ and ‘injustice’ (OECD, 2003: 11).

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<sup>213</sup> See also Wolfensohn’s (2002) article ‘Fight Terrorism by Ending Poverty’.

Consequently, the Committee asks the member states to ‘strive to make globalisation an “inclusive” process which will help reduce support for terrorism’ (ibid: 9). Amongst other things, the DAC encourages donor governments to:

Give greater attention in donor programming to young people’s job opportunities and education to prevent the emergence of fragile, disenfranchised youth. Build their skills and abilities to meet their future needs and aspirations, especially for educated males, who are prime targets for terrorist organizations.

Increase focus on people transiting out of poverty. Their frustrations and educated energy can make them useful foot soldiers and supporters for terrorism. Reducing absolute income poverty remains vital, but approaches to inequality and exclusion should be given increased priority. (Ibid: 8)

The document is noteworthy for that its analysis of the causes of terrorism closely mirrors Gurr’s analysis of the causes of social violence. Anxious that the impoverished people of the South could feel deprived relative to the affluent people of the North, the DAC seems to be concerned not so much with the absolute category of poverty than with the relative category of inequality. The document draws particular attention to the dangers of what Gurr calls aspirational deprivation – a discrepancy between expectations and capabilities as a result of increasing expectations and constant capabilities: ‘These young people, through modern communications technologies, clearly perceive a gap between their own prospects and others’ – in their own countries and elsewhere. This can lead to feelings of frustration and despair’ (Ibid: 14). In order to avoid such fatal life-style comparisons, ‘fostering political, ethnic, ideological and religious extremism’ (ibid: 17), the document concludes that ‘globalisation must be perceived as, and be, an “inclusive” process’ (ibid: 18).

#### *Academic analysts*

Today’s mainstream academic discourse seems to fall in line with that of the commentators considered above. Already in the 1960s, Frantz Fanon (1965) predicted that the end of colonialism signalled the beginning of a new struggle for resources until the economic imbalances between the global North and global South were evened out. In the 1970s, it was Fred Bergsten (1973; 1974) who suggested that if this material gulf was not tackled within the context of greater development assistance, the ‘Fourth World countries would, over time, be driven to desperate “wars of redistribution”’ (Bergsten, 1974: 31). In the 1980s, Hedley Bull (1983; 1984) claimed that the rich countries should ‘accommodate the demands of the Third World countries for a

redistribution of wealth' in order to 'have a prospect of living in peace' (Bull, 1983: 128-129). Eventually, in the 1990s, Robert Kaplan (1994; 2000) observed that rather than a new global order, a new global disorder was replacing the Cold War. Kaplan spoke of a 'bifurcated world' in which the global North is increasingly threatened by a tidal wave of migration, disease and criminal activity from the global South. While Kaplan did not draw any conclusions from this, Michael Doyle (1997) calculated that an increase in development aid would be cheaper for the North than the alternative of dealing with these negative spillover effects.

After 9/11, these views captured the wider academic community. '[I]f it was hard to exclude the excluded before the terrorist attacks', Beck (2005: 32) notes, 'it has now become much harder', because '11 September made publicly visible ... the fact that peace and security in the West can no longer be reconciled with the existence of trouble hotspots in other areas of the world or with the situations that give rise to them' (ibid: 293). Beck (2002: 48) therefore argues that 'helping those who have been excluded is no longer a humanitarian task. It is in the West's own interest: the key to its security'. In a similar vein, Lael Brainard *et al.* (2007: 1) think that in a world in which 'distant threats can metastasize into immediate problems, the fight against global poverty has become a fight of necessity – not simply because morality demands it, but because global security does as well'. This, once again, is the old theme of 'one has to act morally in order to act rationally'.

In the attempt to explain the tragic events of 9/11, several academic writers turned to relative deprivation theory. Bard O'Neill and Donald Alberts (2007: 312), for example, write that the frustrations that underlie many terrorist acts are often accentuated 'where, as Ted Gurr points out, there is a sense of deprivation relative to other groups or one's own expectations'. Especially Gurr's assumptions about aspirational deprivation have elicited keen interest from the scholarly community. Kim Cragin and Peter Chalk (2003: xi), for instance, call for a massive increase in development aid on the ground that if

development initiatives lack sufficient financial support, they are likely to act as a double-edged sword, erroneously inflating the hopes and aspirations of local communities. When these expectations are not met, there is a high chance that social and economic policies will backfire, triggering resentment and renewed support for terrorist violence.<sup>214</sup>

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<sup>214</sup> Consider also the following remarks by academics: Miller (2005: 76) suggests that 'since travel and communication have broken down perceptual barriers between societies, we do appear increasingly to be living in a world in which people are likely to compare their own positions with those of people in wealthier societies, and may find the comparison humiliating or degrading'. By the same token, Gow

In sum, all commentators who have been considered here have pointed to a direct or indirect link between poverty and terrorism. Together, they have moved the fight against poverty to the centre stage of the global security agenda. This prominence is unthinkable without the terror attacks of 9/11. Just as the debate on nuclear terrorism was taking place almost exclusively in the intelligence service offices before the attacks, the notion of negative spillover effects from the Third World, occasionally invoked by development agencies in the attempt to increase their budgets, hardly captured the imagination of the wider public before 9/11. It was the terror attacks that made these spillover effects approximate and real. Since then, the purported link between poverty and terrorism has been ‘repeated to the point of monotony’, with the effect that it now qualifies as ‘an accepted truth of our time’ (Duffield, 2007b: 1). While the link does in fact resonate with recent empirical findings about the likelihood of violent conflict,<sup>215</sup> the objectivity tends to play only a secondary role. As the Copenhagen School has famously argued, security is not an objective matter, but a way to frame and handle an issue: ‘The word security is not interesting as a sign referring to something more real (the security thing) – it is the enunciation itself that is the act’ (Wæver, 1996: 107-108). Given that poverty has been increasingly ‘securitized’ after 9/11, we may not have to await further empirical evidence before states create redistributive institutions. As Ole Wæver (ibid: 106) notes:

Security discourse is characterized by dramatizing an issue as having absolute priority. Something is presented as an existential threat: if we do not tackle this, everything else will be irrelevant (because we will not be here, or not be free to deal with future challenges in our own way). And by labelling this a security issue, the actor has claimed the right to deal with it by extraordinary means, to break the normal political rules of the game.

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(2005: 75) points out that ‘in an increasingly interconnected world ... [c]loser links can mean a sharper sense of differences – and so the potential for resentment that can be mobilized to support anti-Western political violence’.

<sup>215</sup> In a cross-section of countries around the world, Collier and Hoeffler (2002) find strong correlations between economic growth rates and the occurrence of violent conflict: a 1% increase in a country’s per capita growth rate reduces the country’s conflict risk by about 1%. Conversely, if a country’s per capita income drops by a half, its risk of conflict roughly doubles. Using Collier and Hoeffler’s data, Humphrey (2003) shows that a country with an annual per capita income of \$250 has a 15% risk of experiencing a civil war in the next five years, whereas in a country with an annual per capita income of \$5,000 the risk of civil war is less than 1%. The data that has been gathered by Stayanath and Sergenti (2004) on the relationship between drought and violent conflict in 41 sub-Saharan countries confirms that hostilities are driven by poor economic conditions, and not the other way round (because drought is a natural phenomenon, it has the advantage of not being subject to reverse causality). For Rice (2007: 38), the finding that extreme poverty breeds resentment is ‘a rare area of emerging scholarly consensus and probably the most robust finding in the economic literature on conflict’. However, Krueger and Maleckova (2003), looking at poverty and terrorism more specifically, do not find strong correlations.

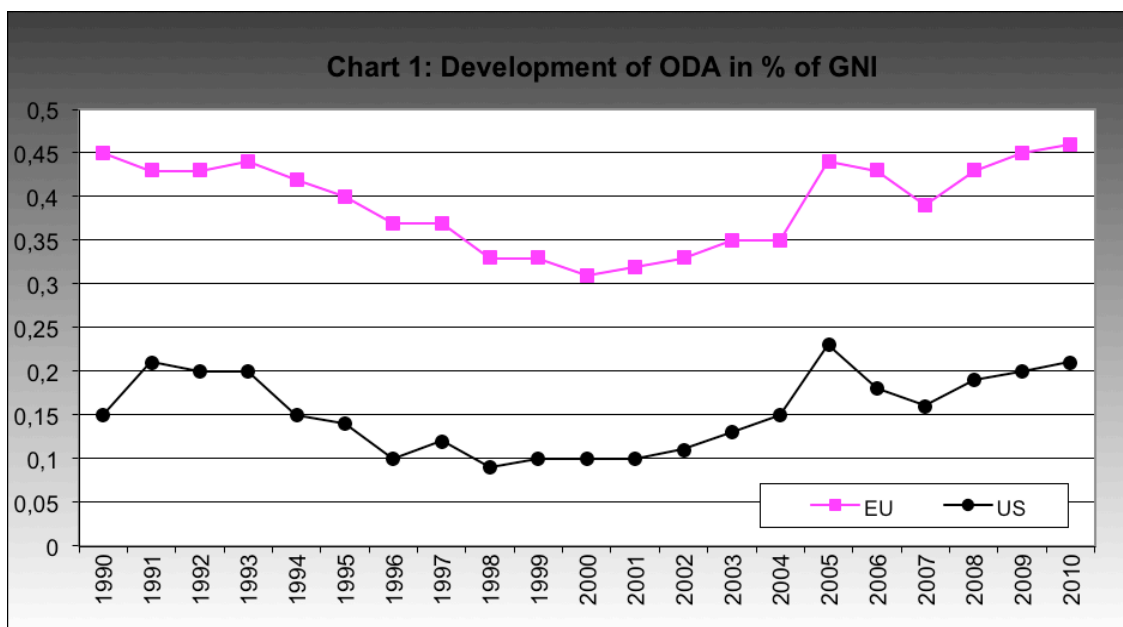
It is left to the next section to determine whether the heightened awareness of a security-development nexus that this section has identified within the public discourse is sufficient 'to break the normal political rules of the game' and push states towards some global redistribution scheme.

### **The prospect of a global redistribution scheme**

The investigation of trade patterns between the EU and the ACP countries in section four ended on a pessimistic note: in face of the trend towards regionalization, the poorest of the poor become increasingly marginalized. The discourse analysis conducted in section five, however, gives some reason for hope: in light of the widespread view that the least developed countries pose a danger to the developed ones, the poorest of the poor take centre stage. As Tara McCormack (2011: 104) notes, the security-development nexus 'presents a strange inversion of the existing power relationships in international relations, whereby the world's most powerful states and military alliances are threatened by the weakest'. Thus, '[e]ven if the system logic is one of exclusion, the idea of underdevelopment as dangerous and destabilizing provides a justification for ... engagement' (Duffield, 2007a: 339). In the following paragraphs, it will be examined whether this engagement has expressed itself in greater redistributive efforts.

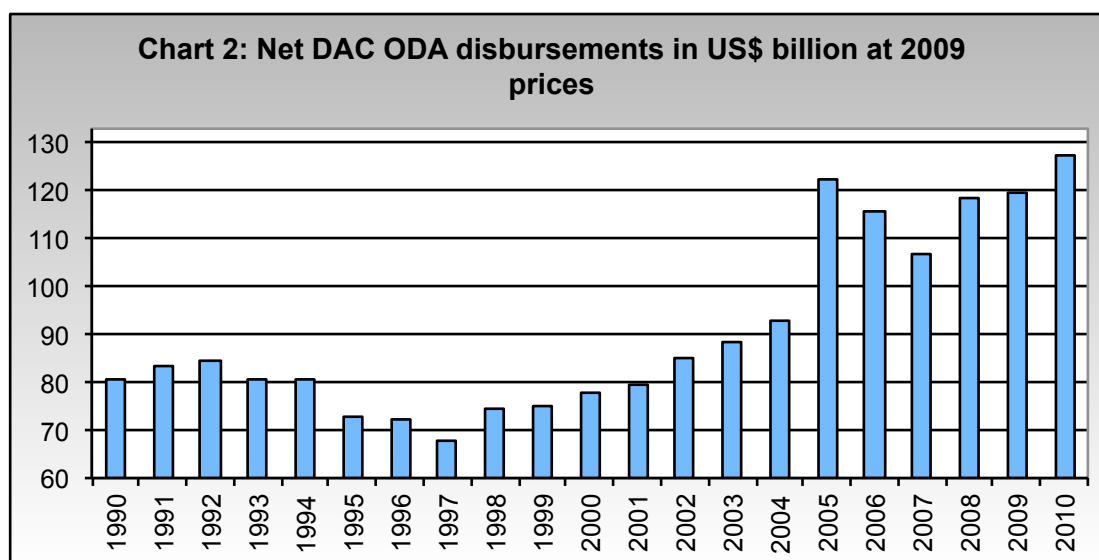
On 14 March 2002, only six months after the terror attacks of 9/11, President Bush announced the creation of a Millennium Challenge Account (MCA). The MCA, which allocates aid to developing countries with good policies as measured by a total of 17 independent selection indicators, must be seen within the context of 9/11. The same holds true for the EU's 'flagship-like instrument' (Gänzle, 2009: 53), the Instrument for Stability (IfS), which, however, follows a different strategy: rather than rewarding countries with good governance, the IfS directs funds to countries in situations of (emerging) crisis.

The creation of new distributive instruments went hand in hand with pledges to increase Official Development Assistance (ODA). On the occasion of announcing the MCA, Bush promised that US ODA would rise by 50% over the next three years. One day later, the EU member states committed themselves to reach a collective ODA quota of 0.39% by 2006. In 2005, a further target of 0.56% was set for 2010. The results of these pledges are presented in *Charts 1* and *2*.



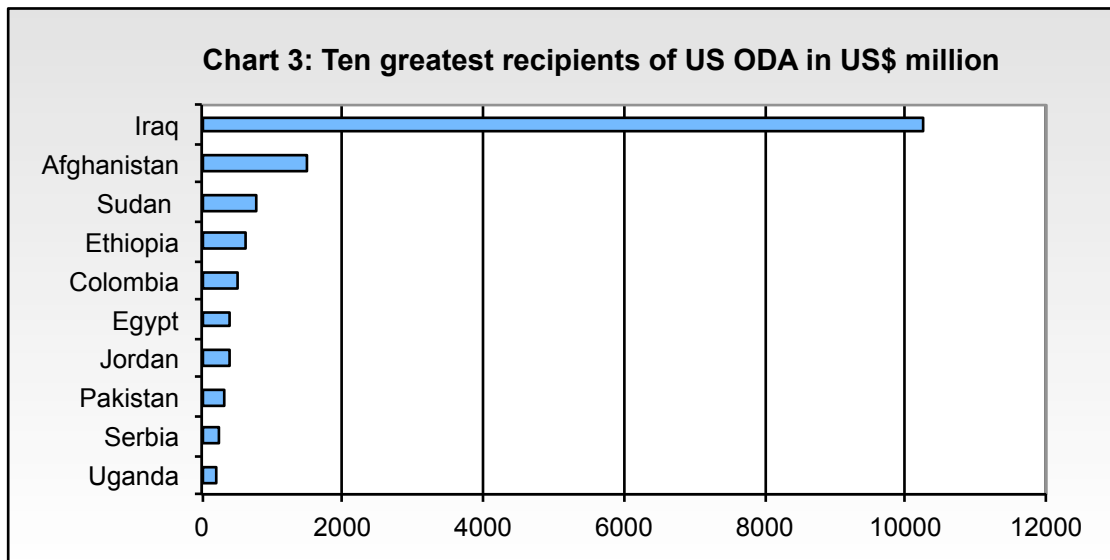
Reproduced from OECD (2012a), Eurostat (2012) and US Official Development Assistance Database (2012)

*Chart 1* shows the evolution of US and EU ODA in % of Gross National Income (GNI). The ODA quota of the US saw a continuous rise in the first years of the twenty-first century. Compared to 2001, the quota more than doubled in 2005. While the Millennium Development Goals (MDGs) certainly contributed to this rise, the increase after 2001 seems to be primarily a result of the terror attacks of the same year. After years of steadily declining ODA quotas, EU member states were able to invert this trend in 2001. In 2005, their combined ODA quota reached the level of the early 1990s, exceeding the target of 0.39% by 0.05%. In 2010, the quota reached its all-time peak, although still being 0.1% short of the target of 0.56%.



Reproduced from OECD (2012b)

*Chart 2* looks at ODA disbursements of all OECD states in absolute terms. The sharp rise in 2005 can be explained with a massive debt relief in that year (OECD, 2012c). Except for a decline in 2006 and 2007 (as a result of the exceptional boost in 2005), ODA flows have been on a steady increase since 1997, reaching their highest level ever in 2010. Within ten years of the terror attacks, OECD ODA has increased by more than 60%. What these figures seem to suggest is that the merging of poverty and terrorism has indeed resulted in extraordinary efforts to combat poverty.<sup>216</sup> However, if we consider the recipients of development aid, a quite different picture emerges.

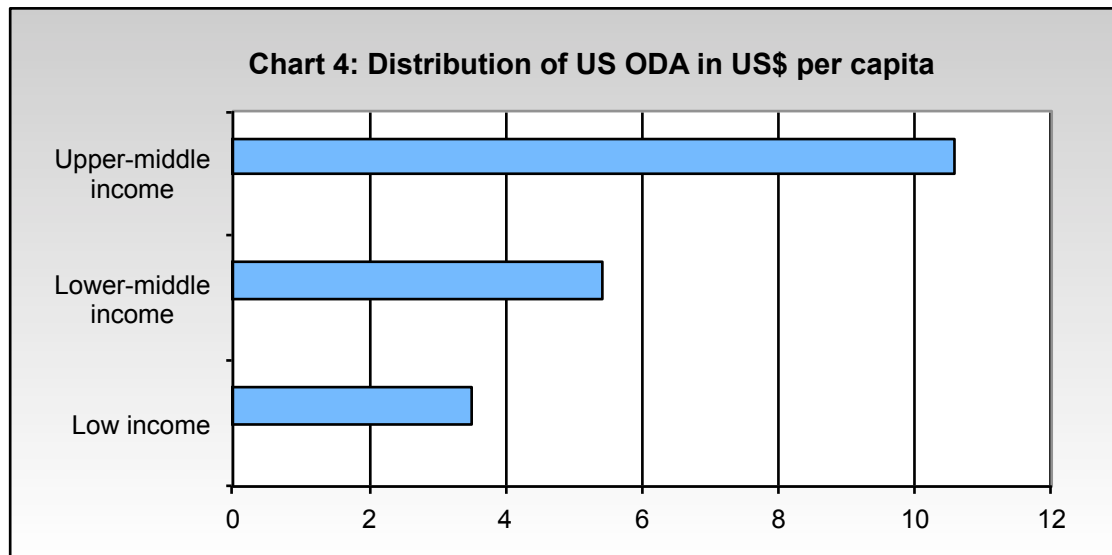


Reproduced from Radelet (2007)

*Chart 3* breaks down US ODA flows in 2005 according to its ten greatest recipients. With US\$ 10.23 billion, Iraq absorbed the vast bulk of US ODA. This is almost seven times as much as was allocated to the second greatest recipient and more than thirteen times as much as was allocated to the third greatest recipient. More importantly, of the ten greatest US ODA recipients, there are only four countries that are classified as low-income countries, namely Afghanistan, Sudan, Ethiopia and Uganda. All the other countries are middle-income countries which are seen as strategic partners (Egypt, Jordan, Pakistan and Colombia) or in which the US has been militarily active (Serbia and Iraq).<sup>217</sup>

<sup>216</sup> Whether the mere transfer of resources is sufficient to eradicate poverty is a question beyond the scope of this work. There are, however, good reasons to assume that transfers have to be accompanied by structural reforms in order to make a lasting impact. For the purpose of this work, it is enough to assume that transfers are part of the solution.

<sup>217</sup> Israel is not listed here because it counts as a developed country. Nevertheless, it received US ODA of more than US\$ 2 billion in 2005.



Reproduced from Radelet (2007)

*Chart 4* illustrates the allocation of US ODA between 2002 and 2004 according to income range. Steven Radelet has calculated that a person living in one of the 81 countries that are classified by the World Bank as low-income countries received on average US\$ 3.50 each year. A person in a lower-middle-income country received an average of US\$ 5.43 and a person living in an upper-middle-income country received an average of US\$ 10.56. This means that countries with an upper-middle-income received more than three times as much US ODA as countries with a low-income. While between 2002 and 2004 the upper-middle-income and high-income countries of Jordan and Israel received US ODA of US\$ 100 and US\$ 90 per capita, respectively, over the same period, average US ODA in Sub-Saharan Africa amounted to US\$ 6 per capita (Radelet, 2007). These figures buttress the finding that immediate geopolitical concerns take priority over the asserted long-term interest of poverty eradication.

If we grant poverty eradication the kind of overriding importance that leading US policy-makers assign to it, what the distribution of US ODA after 9/11 demonstrates is that states do not always act rationally. It demonstrates how short-term interests trump considerations of self-interested reciprocity that, in the long run, promise to yield greater payoffs. Equally, considerations of fair reciprocity, stemming from the notion that the global North has to make good for its past (and arguably present) exploitation of the global South, seem to carry little weight in light of the above figures. We might take this as an opportunity to raise questions about the accuracy of Rawls's characterization of human psychology, and his psychological laws in particular. Maybe – by international analogy – the tendency to reciprocate is not the deep psychological fact that Rawls would have us believe.



A more promising way of bringing this discussion to a close, however, is to acknowledge the differences that exist between the domestic case, in which we have seen the introduction of welfare arrangements in response to the perceived threat of poverty, and the global case, in which such arrangements seem to be a long way off. On the one hand, the externalities of poverty seem to be less severe in the international sphere than in the domestic sphere. While it might be true that in a globalizing world state boundaries are becoming increasingly permeable, affluent states still tend to be more secure from a revolt of the poor than the upper classes used to be in nineteenth century Germany. On the other hand, the welfare services that were eventually introduced in Germany and other states cannot exactly be compared with the vast amount of resources that would be needed to lift an estimated 1.4 billion people out of poverty. Even if the extra US\$ 5 billion of ODA that Bush promised in 2002 – of which Congress only approved US\$ 1.8 billion – had fully gone to the global poor, this would have meant a one-time payment of less than US\$ 3.60 per capita.

If we conceptualize securitization along with Paul Roe (2008) as a two-stage process consisting of the ‘stage of identification’, where an issue is defined as security, and the ‘stage of mobilization’, where the response to that issue is established, we may conclude that only at the stage of identification has securitization been fully successful. David Chandler (2007: 366), for example, suggests that the security-development nexus ‘relies more on rhetorical claims than on considered policy-making’. But why think that the stage of identification determines how the stage of mobilization works itself out? As the Copenhagen School tells us, there are often multiple agendas at play in these securitizing moves. What the representation of nuclear terrorism as a security issue and the subsequent US-led invasion of Iraq illustrate is that there has been both ‘rhetorical securitization’ and ‘active securitization’ (Jackson, 2006), although the latter did not work in the Hobbesian way. By the same token, the rhetorical securitization of poverty, while not being accompanied by massive transfers to the global poor, may well have led to policy actions in other areas. Indeed, the identification of a security-development nexus involved not only an increase in development assistance, but also a strengthening of the security apparatus at home and abroad (the US Homeland Security Act and NATO’s continued engagement in Afghanistan being two examples). In this context, Cabrera (2004: 82) notes that ‘affluent states typically have responded to the threats from less affluent states with

increased enforcement and interdiction measures aimed at the specific threats ... rather than by primarily addressing the root causes'. This is because

[l]eaders of sovereign states are tasked with finding the most effective means of promoting and protecting their citizens' interests. Programs targeting specific threats to those interests are more cost effective, and therefore more clearly presentable as in the interest of the polity, than making larger transfers and probably considerable sacrifices that would be necessary to address the threats at their roots. If targeted enforcement generally is adequate to protect the citizens of an affluent state, then there will be little reason to make large-scale transfers. (Ibid: 82-83)

Thus, it is the eradication – not necessarily the securitization – of poverty that relies more on policy rhetoric than on implementation of policy on the ground. At last, we have reached the point to which Rawls's conception of justice can be stretched: justice as reciprocity, while taking us some way, cannot, or at least not at this point in time, underwrite a global redistribution scheme that systematically advances the position of the least advantaged à la the Cohesion Fund.

But maybe a global difference principle is not even appropriate to combat the economic causes of terrorism. If we assume with relative deprivation theory that frustrations in today's interconnected world stem not so much from poverty as such, but from inequality, we might think that equality, or equality of opportunity, is able to counter these frustrations more effectively than a global difference principle that would preserve a certain amount of inequality. Here we might look to Rawls's (1973: 72-74) second principle of economic justice, the principle of fair equality of opportunity, which eliminates the morally arbitrary factor of the social class in which one is born. A global version of this principle would then eliminate the morally arbitrary factor of the society in which one is born by giving equally talented and motivated persons roughly equal life chances irrespective of the society in which they happen to live.<sup>218</sup> However, since the logic of a global equality of opportunity principle

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<sup>218</sup> There is considerable disagreement among scholars about what exactly such a principle requires. While Pogge (1994: 194) believes that global equality of opportunity would 'give equally talented and motivated persons roughly equal chances to obtain a good education and professional position irrespective of the society into which they are born', Caney (2001: 130) defines global equality of opportunity in broader terms as entailing 'that persons (of equal ability and motivation) have equal opportunities to attain an equal number of positions of a commensurate standard of living'. Moellendorf (2002: 49) thinks that global equality of opportunity is satisfied when 'a child growing up in rural Mozambique would be statistically as likely as the child of a senior executive at a Swiss bank to reach the position of the latter's parent', whereas for Miller (2005: 60), it is more plausible to interpret global equality of opportunity as requiring that 'the child from rural Mozambique had the same chance to attain an executive post in a bank somewhere, perhaps in Mozambique itself, with the same salary and other benefits as the position aimed at by the (equally talented and motivated) child of a Swiss banker'. One way or the other, the implications of a global equality of opportunity principle seem to be quite radical. For a discussion, see Brock (2005: 347-350).

militates against the domestic analogy – what this principle is concerned with is not equality of opportunity among countries, but among individuals – it will no further be considered here.

### *Summary*

In the last chapter, it was shown that some of Hobbes's and Rawls's key assumptions about the formation of a common authority and a redistribution scheme hold true for the European integration process. Yet what is true at a regional level is not necessarily true at a global level. While nuclear one-worlders and some cosmopolitan thinkers have argued that in a nuclear and global age the logic of Hobbes's and Rawls's arguments must apply globally, this chapter has shown that nuclear deterrence and the irrelevance of the global poor have effectively prevented a common authority and a redistribution scheme from materializing at a larger scale.

After the terror attacks of 9/11, though, there has been both an increased fear of undeterrable terrorists getting hold of nuclear weapons and a heightened appreciation of the link between poverty and terrorism among the Western (and especially US-American) public. But has this brought the global realm close enough to the domestic realm so that institutions and instruments that apply within the state carry over onto the global level? Examining the practices that followed the attacks, there is little evidence that points in that direction. While 9/11 constituted a 'formative moment', this moment was used (or rather misused) by the Bush administration to shift US strategic norms from coercion to control. The terror attacks also resulted in a considerable increase in ODA that, however, is only partly directed to the global poor. Because on a global level, poverty, to be recognized, needs to be securitized, just as fear, to be generalized, needs to be mediatized, this creates a whole set of ambiguities, meaning that the identification of a security-development nexus and the fear of nuclear terrorism can just as easily lead to a policy of counter-insurgency and a strategy of control as they can lead to a policy of redistribution and a strategy of consent.

Thus, neither the political theories of Hobbes and Rawls, nor the sociological concepts of Beck and Gurr, which supplement these theories in certain ways, seem to be able determinately to resolve the problems of order and justice at a global level. Ultimately, there are not sufficient similarities between the domestic realm and the international realm for Hobbes's logic of a common authority and Rawls's logic of a redistribution scheme to apply to a level higher than the regional one.

## 8. Conclusion

After a summary of the main findings in section one, I make some qualificatory comments in section two. Section three sketches the wider implications of my study, before section four makes some recommendations for future research.

### **Summary**

Based on the finding that the opposition to an international application of political theories of order and justice rests upon a number of flawed dichotomies, the research question of this work has been whether Hobbes's theory of order and Rawls's theory of justice can be usefully applied to the international level. In exploring this question, the work proceeded in three parts.

Part I was concerned with the domestic sphere. Chapter 2 sought to determine the role of self-interest in the political theories of Hobbes and Rawls. At first, it was shown that self-interest is required for the both the derivation and the implementation of the moral principles articulated by the two philosophers. It was then suggested that self-interest, although a necessary condition, cannot be a sufficient condition for the implementation of the moral principles without some further assumptions. While Hobbes introduces a rule-enforcing authority to ensure compliance with his laws of nature, Rawls attempts to solve the compliance problem by grounding his principles of justice in a highest-order desire to act justly. The problem with these solutions, though, is that the philosophers' starting points do not allow them to come into force. I therefore developed two alternative arguments for why individuals should find it rational to comply with a mutually beneficial agreement, namely the exclusion argument and the weakening argument. Support for these arguments comes in the form of Hobbes's reply to the fool and Rawls's discussion of a franchiser.

Chapter 3 identified Hobbes and Rawls as proponents of justice as reciprocity. It was shown that the two philosophers believe obligations of reciprocity to arise in a multitude of circumstances. But can people be expected to recognize these obligations? In the case of Hobbes, the answer is relatively straightforward. According to him, people do their fair share out of an understanding that this short-term disadvantage is recouped in the long run. In the case of Rawls, things are more complicated. While in a society that is governed by the two principles of justice every person is advantaged with regard to the point of non-cooperation, when judging matters by their current

place in society, some people may not gain (even in the long run) from doing their fair share as determined by the two principles of justice. Rawls therefore introduces justice as fair reciprocity and illustrates that this concept, like justice as self-interested reciprocity, is all but too demanding. It is this quality that makes the political theories of Hobbes and Rawls suitable for extension to the international level.

Part II looked at the intersection of the domestic and the international sphere. Chapter 4 explored how Hobbes and Rawls believe their political theories to translate into the international context. While Hobbes cites international relations as an instantiation of the state of nature, he does not think that the international state of nature is troublesome enough for states to break out of it. Because states are less vulnerable and equal than individuals, the need to cooperate is confined to the domestic sphere. Similarly, Rawls, while applying the concept of the original position to the international level, does not think that representatives of states would come up with an international analogue to the difference principle that he believes representatives of individuals would choose. Because peoples, unlike people, are capable of meeting their material needs independently, cooperation is not constitutive for them in the way it is for individuals. The need to cooperate, as in Hobbes, stops short at national borders.

Scepticism towards the (full) application of the social contract to the international level is also a defining feature of the realist and rationalist traditions within which chapter 5 located Hobbes's and Rawls's thought, respectively. Only revolutionism, which argues for the assimilation of international to domestic politics, seems to carry the domestic analogy to its ultimate conclusion in that it applies to international relations not only the concept of the state of nature, but also that of the social contract. However, the chapter found some methodological and ontological evidence that Kant and Beitz, in their extension of Hobbes's and Rawls's political theories to the international level, did not move along the lines of the domestic analogy. The conclusion drawn from this was that the full-scale usage of the domestic analogy is not as common as one might assume: while realists and rationalists apply it only partially, revolutionists tend to avoid it all together. This finding was taken as a jumping-off point to investigate how far the analogy can be pushed.

Part III had the international sphere as its subject. Chapter 6 evaluated European political and economic integration on the basis of Hobbes's and Rawls's political theories. Tracing the course and severity of general wars, there are some

empirical foundations that the kind of equality and vulnerability Hobbes finds in the state of nature became a feature of the European state system. Analogous to Kant's argument that a rise in violent interaction increases the incentive for people to enter into a civil constitution, it could be shown that ever more devastating wars accounted for the creation of ever stronger power-restraining mechanisms. The failure of the balance of power and institutional binding to tame the violence inherent in international anarchy eventually pointed to the need for supranational integration: driven by the same self-interested reciprocity that leads Hobbesian individuals to transfer their right of nature to a common authority, in 1951, the most distressed states of a physically and mentally exhausted Europe delegated sovereignty over the essential means of warfare to the High Authority. With the establishment of the High Authority, European states successfully abolished the notion that they will ever fight each other again.

Looking at intra and inter-industry trade levels within Europe, this chapter also presented some empirical evidence that there is a division of labour among EU member states that puts limits to a state's capacity to supply all its needs independently. As such, the EU as a whole seems to fit Rawls's stipulation of a cooperative venture for mutual advantage. Analogous to Rawls's idea that in such a venture distributive instruments are needed to divide the benefits and burdens of cooperation in a way that draws forth the willing cooperation of everyone taking part in it, it could be shown that ever wider and deeper European integration projects animated states to set up ever greater and more extensive distributive instruments to ensure that both the more integrationist and the less integrationist states gained from these projects. The inability of instruments of social and interregional redistribution to account for the Community's greatest integration project, the introduction of a single currency, ultimately pointed to the need for an instrument of international redistribution: driven by the same self-interested reciprocity that leads better endowed Rawlsian individuals to redistribute part of their wealth in order to generate even greater wealth in the future, in 1993, the most integrationist states set up the Cohesion Fund as a means to compensate the less integrationist states for their participation in the single currency. Today, the Cohesion Fund is detached from its original compensational purpose and redistribution seems to be moved by fair reciprocity.

Chapter 7 examined whether Hobbes's and Rawls's political theories can also be translated into global terms. Bull rejected the feasibility of a global authority in part

on the ground that the proliferation of nuclear weapons had rendered international anarchy more tolerable. While it is true that the doctrine of MAD created a situation of mutual deterrence, Bull neither anticipated the emergence of undeterrable non-state actors, nor did he consider the possibility of states secretly passing on nuclear weapons to these actors. A study of Western (and especially American) discourse after 9/11 showed that this scenario looms large in the public imagination. But has the fear of a nuclear terrorist attack opened a new road towards the Hobbesian analogy in that even the world's greatest power is motivated to opt out of the international condition of anarchy? Looking at the practices that followed the attacks, we have reason to be cautious: instead of pushing the US towards a global authority founded upon consent, the fear of nuclear terrorism led the Bush administration to adopt a controlling strategy (whose limits became apparent with its very first application).

This chapter also considered a number of cosmopolitan thinkers who oppose Rawls's conception of justice on the ground that it gives no moral standing to those unable to make a contribution. While it is true that the ACP countries have been continuously marginalized with regard to trade relations, these thinkers pay little or no attention to the fact that states can bargain not only with their productive assets, but also with their disruptive capacities. An analysis of post-9/11 discourse revealed that the scenario of the poor turning against the rich has become a real concern within Western political and academic circles. But has the securitization of poverty really improved the situation of the least advantaged? Considering the aid flows after the attacks, the résumé is somewhat mixed: while the decade following 9/11 witnessed an unprecedented increase in ODA, much of the assistance is being directed to high and middle-income countries rather than to the least advantaged.

### **Three qualificatory comments**

At this point, three general comments are in order to put into perspective what was just said. In the first place, while providing a political theory reading of the European integration process, I do not suggest that IR, and European integration theory in particular, cannot explain this process in an adequate manner; even less so that political theory is any better in theorizing about European integration than European

integration theory itself (although in some instances this may well be the case).<sup>219</sup> Instead, I make the more modest suggestion that political theory offers interesting and as yet unexploited ways of thinking about the formation of European institutions. How exactly political theory can add to our understanding of European integration and how exactly it sits with European integration theory, whether it is supporting, complementing or undermining this body of literature, is a question that needs to be addressed in future work. The present work merely looked into the question of whether Hobbes's theory of order and Rawls's theory of justice can be usefully applied to the international level.

The second comment has to do with the concept of order that I have chosen. Faced with two very broad concepts of order – one, employed by the likes of Keohane and Reus-Smit, that looks to the institutions operative in the state system; the other, endorsed by the likes of Deudney and Wendt, that looks to the institutions operative in a world state – I have opted for the latter. Yet this work has shown that all that is strictly needed to put an end to the threat of nuclear war is to cede sovereignty over the means of nuclear warfare to a global authority – just as the ECSC members once ceded sovereignty over the means of conventional warfare to a regional authority. All other competencies of government – matters of culture, education and the economy – could be left to regional, national and local levels. Such a tiered system of interlocking loyalties would surely come closer to a world federation than a world state.

Unfortunately, many critics do not differentiate between these institutional frameworks. Failing to consider the alternatives to a world state, for a great deal of communitarians there is either a 'straw-person conception of world government' (Cabrera, 2010a: 524) or a system of states, in which case they opt for the latter. However, in recent years institutional cosmopolitans and nuclear one-worlders have proposed a variety of multi-layered supranational institutions that differ from a homogenous world state. Cerutti (2007: 194-195), for example, believes

that a Supranational Nuclear Agency would be enough [to prevent a nuclear war], provided it is endowed with an overwhelming political and military power. It would just deal with the nuclear anarchy issue, instead of extending its job all over the world society and its several areas of public affairs; it would certainly exert a tremendous power on any single state, putting essential restraints on its (however suicidal) external sovereignty, but it would lack the oppressing universal presence of a world state and better accommodate the wish of the individual states and societies to maintain their

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<sup>219</sup> While European integration theory may tell us why integration occurred, it hardly provides a normative justification for it. It is here that normative political theory can make a significant contribution.



autonomy as far as it does not prejudice the effective elimination of an anarchy leading to omnicide.

Similarly, Deudney (1995a: 90) thinks that the institution needed to achieve security in the nuclear age is not a world state but a ‘nuclear republican union’ – a thick regime of constraints on both leaders and arms. The creation of such a union is certainly more plausible than that of a homogenous world state as it would leave communities intact. The same holds true for a ‘global authority in a duly constituted global federation’, as it has been proposed by Magnell (2003: 1). In such a federation not all functions of government would be transferred to the global level, but just enough to control the manufacture, trade and ultimately the use of nuclear weapons.<sup>220</sup>

The third comment concerns the approach to justice that I have chosen. Part III identified two prudential reasons – one positive and one negative – for affluent states to redistribute part of their wealth to less affluent states. The positive one, discussed in chapter 6, concerns the capacity of others to benefit us; the negative one, discussed in chapter 7, has to do with the capacity of others to harm us. In the first case, we give them so that they do us good; in the second case, we give them so that they refrain from doing us bad. The only parties to which the concept of justice as (self-interested) reciprocity cannot offer anything are those incapable of both contribution and disruption. For writers such as Barry, Richards, Buchanan, Cabrera, Nussbaum, Caney and, eventually, Beitz, these are enough as to reject a prudential account of international distributive justice.

While a moral account of international distributive justice has the undeniable advantage that it grants moral status even to non-contributors and non-disrupters, it has to pay for this inasmuch as moral argument alone can achieve little in international politics.<sup>221</sup> As Moellendorf (2002: 174-175) makes clear:

A sketch of the institutional structure for an egalitarian world order is unrealistic if there is no reason to believe that there are potential agents of change with an interest in such an order. Politics is by no means exhausted by political morality. In order for a desirable normative goal to be credible, there must be reasons to believe that its advancement will be in the interests of enough people with the power to advance it.

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<sup>220</sup> A similar point can be made for a possible global redistribution scheme. The modern welfare state (or what is left of it) can perfectly coexist with regional and global mechanisms for redistribution. Again, there is no question of either/or. In accordance with the subsidiarity principle, interpersonal redistribution could be left to national levels, whereas international redistribution would take place on a regional and global scale.

<sup>221</sup> A moral account of justice is likely to be of greater value to domestic politics where the existence of moral sentiments may allow for a moral grounding of justice.

There is no doubt that moral considerations should always guide us in our assessment of right and wrong, and there is no *a priori* reason why states could not be led by moral argument one day. However, in light of the alarming inequalities in our present world, the argument most likely to succeed in the meantime is the one that appeals to the national interest. Such an argument does not have to await the arrival of international morality to find its occasion. Because it focuses on what is possible given existing realities, it stands a much better chance of being followed.

When there is a choice to be made between an imperfect conception of justice that is able to connect with the motivations of state leaders, and a perfect conception of justice that is at odds with national interests, I have opted for the former. But there is no reason to contrast the two conceptions in such a stark manner.<sup>222</sup> Rather, there is room for both prudential and moral approaches to international distributive justice. Our best bet would probably be to adopt a ‘hybrid view’ (Buchanan, 1990: 243) in which prudential approaches address those global inequalities whose eradication can be grounded in justice as reciprocity, and in which moral approaches address all other injustices (Brilmayer, 1996: 147; Carens, 1996: 156; see also Beardsworth, 2011: 11).

### **Contribution to the wider literature**

In this section, I will discuss what I see as my contribution to the wider literature. Generally speaking, this work has shown that analogical reasoning about international relations is both feasible and fruitful. It is *feasible* because of certain changed conditions the two spheres, the domestic and the international, are similar enough as to conclude, presumptively, that certain propositions that are valid with respect to the domestic sphere also hold true for the international sphere. While many scholars continue to argue that Hobbes’s idea of a common authority and Rawls’s notion of a redistribution scheme cannot be applied internationally, the case studies presented in chapters 6 and 7 revealed that what the two philosophers are describing in their theories for the domestic level has been well underway at the regional (although not at the global) level. This alone should be reason enough to rethink the classical distinction between political theory and IR.

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<sup>222</sup> Barry (1982), for example, thinks that distributive justice cannot be based on notions of self-interest. The correct conclusion, de Vita (2007: 130) notes, is that prudential reasoning cannot provide the sole basis for distributive justice. While normative reasoning is essential in that it tells us what constitutes a just society (Valentini, 2009), it is hard to think of any good reason why prudential reasoning should not help us to move closer to that society.

But the separation of the two disciplines was problematized in two additional ways. Chapter 5 exposed that each of Wight's three traditions of international theory conceives of international relations on the analogy with some state of nature. There are, needless to say, other ways of making sense of politics and international relations than through the concept of, and the analogy with, a state of nature. From Hume via Hegel through to Marx, contractualism has been attacked on various grounds. Yet this cannot hide the fact that the state of nature has played a major role in theorizing about international relations. Beate Jahn (2000) has even gone so far as to suggest that the discipline of IR as we know it today – indeed, the social sciences as a whole – would be unthinkable without the concept of the state of nature. Because the American Indian people were believed to live in a state of nature, Jahn contends, the laws governing their relations were taken as the original and universally valid natural laws, which had been lost during the historical development of the European societies. In the attempt to reintroduce these laws into the old world, Jahn goes on to argue, the early political philosophers, international lawyers and political economists – the forerunners of the modern European social sciences – all constructed their theories on the assumption of a state of nature.<sup>223</sup> Irrespective of whether one accepts such a view or not, the mere fact that Wight's three traditions of international theory are informed by (detractors might say ill-defined echoes of) state of nature models requires a shift in emphasis towards the domestic analogy.<sup>224</sup>

'The emergence of the phenomena of globalisation', Bottici (2009: 5) notes, 'seems to have generated additional arguments supporting such an analogy'. Indeed, chapter 1 demonstrated that in the face of technological and economic globalization, political theory has a growing purchase on international relations. Because of a 'genuine novelty[,] ... the globalization of human life', Howard Williams (1996: 146) concludes, 'the gap between international relations and political theory needs to be bridged'. Thus, in a globalizing world, reasoning by analogy is not only feasible; it is also increasingly necessary.

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<sup>223</sup> With this, Jahn essentially turns the domestic analogy on its head: before the state of nature could serve as a basis for any thought on the international, the state of nature had itself to be derived from events in the international, namely the encounter of the European and American societies. In other words, before we could learn something about international relations from political theory, political theory had to learn something from international relations.

<sup>224</sup> The attraction of the state of nature for theorists of the international lies in the fact that both the natural state and the international condition are characterized by anarchy. Because of this structural similarity the state of nature seems to provide us with a strong analogue to international relations. As Waltz (1959: 182) observed more than fifty years ago: 'By defining the state of nature as a condition in which acting units ... coexist without an authority above them, the phrase can be applied to states in the modern world'.

Analogical reasoning about international relations is *fruitful*, on the other hand, because it uses existing knowledge about domestic phenomena to make sense of international phenomena. Those who avoid the domestic analogy, in contrast, have to come up with their very own explanations to account for international phenomena. While there is nothing wrong with this *per se*, we should look, first, to political theory and see if we can find analogies there before we make the effort to invent new theories, or take the risk to re-invent old ones. Liberal intergovernmentalism, for example, provides a theoretical model that explains why side payments in the form of ERDF transfers occurred in the early stages of the European integration process, whereas neofunctionalist, constructivist and historical institutionalist approaches may account for the Community's redistribution instruments in their current shape, where member states, gradually coming to see each other as partners in a common enterprise, have shifted redistributive powers to the supranational level in order to minimize disparities between them. Against this background, Hurrell (1995) has argued for a 'stage approach' to understanding regionalism, where different theories explain different stages of integration. By contrast, Rawls's political theory, when applied to the international level, can account for both stages in the development of the Community's redistribution instruments, although on a more abstract level.

But analogical reasoning not only gives us insight into existing institutions; it also helps us to assess the prospects for future institutions. Many institutional cosmopolitans find it extremely difficult to provide a precise account of how international institutions are to come about. This is simply because they have no account of how domestic institutions came about. Making an argument by analogy, in contrast, allows us to identify the requirements for domestic institutions from which we can infer the prerequisites for international institutions. The terms and conditions under which the institutions in question can be reproduced on an international scale are quasi endogenous to the domestic analogy. Hobbes and Rawls, for example, tell us something about the processes that give rise to a common authority and a redistribution scheme on the domestic scale from which we can draw conclusions about the circumstances under which these institutions can be reproduced on an international scale. Only if the kind of self-interested reciprocity that lies at the bottom of Hobbes's and Rawls's domestic institutions is lacking at the international level, now and in the foreseeable future, do we have reason to assume that an extension of these institutions is impossible.

The upshot of this work, then, is essentially twofold. On a substantial level, it seems evident that just as much as political theory can no longer turn a blind eye to its international implications, IR can no longer afford to simply ignore the insights of political theory. What is needed is a transition from IR, where the concerns of political theory are widely neglected, to an International Political Theory, where such concerns are part and parcel of the concerns of IR (Rengger, 2000: 190). Using the examples of Hobbes and Rawls, this work has tried to show that once we get rid of the binary division between political theory and IR, the former has a lot to offer to the central problems of the latter. On a methodological level, IR scholarship is well advised to pay more attention to the domestic analogy. One hopeful result would be that scholars in our discipline approach the analogical method with less resentment than they have done in the past. Figuring prominently in other disciplines such as mathematics and law (Bottici, 2009: 23), there is no apparent reason why analogical reasoning should not also be part of the IR scholar's methodological toolkit.

#### **Avenues for future research**

One possible avenue for future research would be to further examine in how far insights about the domestic realm can be harnessed for our understanding of the international realm. As indicated at the outset of this work, the current debate focuses on the question of whether certain concepts taken from the domestic realm *should* be applied internationally. In contrast, this work has tried to give an answer to the question of whether Hobbes's theory of order and Rawls's theory of justice *can* be applied internationally. My findings should encourage political theorists and IR scholars to explore whether other concepts and theories that belong to the domestic realm can be applied to the international realm by analogical reasoning. Hobbes and Rawls, after all, are not the only philosophers that have dealt with issues of order and justice. Nor are order and justice the sole values that might be transferred to the international level. As Goodin (2010: 181) and Archibugi, Koenig-Archibugi and Marchetti (2011: 13) have recently observed, similar things seem to be happening in today's international sphere as happened centuries ago in the domestic sphere when people pressed for more democratic forms of government. In his article, 'Global Democracy and Domestic Analogies', Mathias Koenig-Archibugi (2011b) sketches the contours of a research agenda that would look for necessary conditions in the context of domestic democratization to reflect about plausible necessary conditions for global

democratization. Such an agenda, Koenig-Archibugi (ibid: 178-179) notes, ‘would constitute a worthwhile – perhaps necessary – complement to the more prescriptively oriented approaches to global democracy that have been prevalent so far’.

Another possible avenue for future research would be to explore whether the European model can be replicated in other regions of the world. While Europe’s unique memory of continental war makes it highly unlikely that the EU could serve as a blueprint for other regions in terms of political integration, it could very well present a model in terms of economic integration.<sup>225</sup> Today we can find free trade initiatives in almost every region of the world,<sup>226</sup> and even between regions.<sup>227</sup> We could expect these regional and inter-regional trading blocs to set up EU-type distributive instruments as they move towards closer economic integration. In his seminal study, *Toward A North American Community: Lessons from the Old World for the New*, Robert Pastor (2001: 48) contrasts the European case, where poor applicants were compensated for the potential losses resulting from market integration, with the American case, where Mexico and most of Latin America believe that they have more to gain from a free trade area with the United States than Washington does. While this casts serious doubts on the possibility of establishing an American redistribution scheme along European lines, it cannot be excluded that the European redistribution scheme could serve as a reference point for other regional trading blocs. Comparative regionalism, thus, constitutes a promising area of research.

A final important area of research concerns the identification of plausible paths to global political and economic integration. As discussed in this work, Hobbesian and Rawlsian logics, while taking us some way, cannot underwrite a global authority and a global redistribution scheme. Because of nuclear deterrence and the irrelevance of the global poor, the kind of reciprocity that is needed to get their models underway is lacking at the global level. It is therefore worth exploring alternative routes to full global integration. One such route has been provided by Cabrera (2004: 121-142).

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<sup>225</sup> Economic integration, in turn, might provide ‘a framework, however incomplete, in which demands may be pressed for deeper and more democratically accountable integration’ (Cabrera, 2004: 134). Over the last years, former Mexican Deputy Foreign Minister Andres Rozental has repeatedly called for a stronger North American Free Trade Agreement (NAFTA) organization, including a North American Commission modelled on the European Commission (ibid: 133), and in 2005, the Mercosur countries set up a parliament broadly similar to the European Parliament. Thus, in contrast to the European case, where the goal to integrate politically involved closer economic integration, here it is economic integration that might entail closer political integration.

<sup>226</sup> The most integrated trading blocs include the Association of South-East Asian Nations (ASEAN), NAFTA and Mercosur.

<sup>227</sup> With the Asia-Pacific Economic Cooperation (APEC) forum moving closer to a free trade area, and with plans for a Free Trade Area of the Americas (FTAA) and an EU-US Free Trade Agreement underway, regional trading blocs seem to become increasingly enmeshed.

Rather than looking to political theory, Cabrera looks to European integration theory for insights of how a fully integrated global system could come about. He makes use of a trans-state exchange approach to integration whose key insight is that ‘the constitutionalization of a supranational system will deepen and expand as trans-state exchange increases’ (ibid: 128). This ‘broadly neofunctionalist approach’ (ibid: 125) is then applied to the global level: ‘[T]he same mechanisms of trans-state exchange, spillover and lock-in of key aspects of supranational governance could continue to push integration in the global arena’ (ibid: 134). While there is much to this argument, more rigorous research on the prospects of a global authority and a global redistribution scheme is needed to complement the vast body of literature that argues for the desirability of such institutions. Demonstrating that cosmopolitan institutions are not only desirable but also possible allows us to make a much stronger case for full global integration.

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