

## TABLE RONDE N°5

### MEASURING INTERNATIONAL ETHICS A MORAL SCALE OF WAR, PEACE, JUSTICE, AND GLOBAL CARE

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#### 1. INTRODUCTION<sup>1</sup>

Sooner or later in life everyone discovers perfect happiness is unrealizable, but there are few who pause to consider the antithesis: that perfect unhappiness is equally unattainable. [Primo Levi]<sup>2</sup>

An Auschwitz survivor, Primo Levi wrote about the long road to hell and its varied stations. Living in a world of genocide, absolute war, and daily torture, he pondered on the extremes of human experience and their morality. This chapter has a similar goal. It seeks to portray international ethics in its varied appearances and to this end constructs an international moral scale. Besides putting the concept of Just Peace developed in this book in an overall theoretical perspective, such a scale also allows for normative comparison between different states of the international, that is, measuring international ethics.

I develop an ethical – or moral<sup>3</sup> – scale ranging from perfect happiness for all to absolute misfortune for all. Focussing primarily on the level of the international, not the individual, this scale classifies wrongdoings and good deeds of a nation-state, community, or social group – such as one of the 'peoples' in John Rawls's conception<sup>4</sup> or one of the 'tribes' in Michael Walzer's<sup>5</sup> – not personal grief or happiness. Above all, it is interested in the question of the various kinds of peace and war, and in the often complex relationship between them – as in a Just War.

Better understanding of a concept can come through quite different methods. For example, one can privilege a reading of conceptual breakthroughs through the analysis

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<sup>1</sup> Une version un peu remaniée paraîtra in Pierre Allan and Alexis Keller (eds.), *What is a Just Peace?* (Oxford: Oxford University Press, forthcoming).

<sup>2</sup> Levi (1958; 1987: 239 in the English translation by Stuart Woolf).

<sup>3</sup> In general, ethics and morality and their adjectives will be used as synonyms.

<sup>4</sup> Rawls (1999: 23-27)

<sup>5</sup> Walzer (1994 : 63-83)

of power relationships governing science in action, or proceed by investigating the change of scientific images analyzed through *Gestalt* psychology or more modern cognitive science methods. Or, alternatively, more radical methods such as post-modern deconstruction may be used, de-constructing texts by showing their various interpretations, in particular exhibiting what they presuppose and hide. Another approach is that of the history of concepts or *Begriffsgeschichte*<sup>6</sup> where etymological inquiry is abandoned in favour of the study of meaning and the ‘linguistic turn’ in order to investigate both change and continuity in the use of specific concepts through a conceptual history.

My method is different. Developing an abstract view of the whole conceptual space of international ethics allows for the identification of boundaries, similarities, and differences of a specific concept with other concepts of a proximate nature. Different kinds of war and peace, and diversity of justice and the ‘good’ are put into perspective within this general framework. Peace as an absence of war, a ‘negative war,’ a ‘non-war,’ may proceed from an imposed peace, with time needing to flow for generations before might becomes right. Alternatively, peace may stem from indifference or simply geographical distance. A better situation from a moral viewpoint is represented by the concept of stable peace. There, no party considers the possibility of threatening force; war remains only as a logical possibility, since no one envisages the recourse to armed violence.

On the other hand, the concept of Just Peace – while requiring the perception of justice by those affected – is superseded by ‘positive peace’ that one finds within common values and norms; there, exploitation and ‘structural violence’ tend to disappear. Finally, I generalize the feminist concept of ‘care’<sup>7</sup> at the level of a ‘global care’ ethic which – because of its deep humane character – supercedes positive peace.

All these concepts lie between two extremes. First, an all-encompassing nuclear holocaust completely wiping out humanity. Second, paradise where not only all material wants are satisfied, but where agape – perfect and complete love – reigns, all humans loving each other as if they were saints. Table one presents the ten categories of the international ethical scale.

\*\*\*\*\*Table 1. approximately here\*\*\*\*\*

The argument is organized as follows: in the next section, the first elements of method are presented. The extreme points of the international ethical scale are then discussed in sections three – total destruction of humankind – and four – agape-paradise and the resulting vanishing of humankind. In section five, the method is further developed along a scale constituted by the nexus of two separate – and at times contradictory – ethical dimensions, deontological and consequentialist. The eight intermediate steps of the scale – genocide, war, non-war, Just War, stable peace, Just Peace, positive peace, and

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<sup>6</sup> Cf. Richter (1995)

<sup>7</sup> See in particular Gilligan (1993) whose ideas are extensively discussed and developed by Hekman (1995); see also Ruddick (1995) and Noddings (2003).

global care – are then developed and presented in sections six to thirteen, followed by a conclusion.

## 2. METHOD: CONSTRUCTING AN INTERNATIONAL ETHICAL SCALE –PART ONE

My goal: the development of a general scheme to order social action according to universal criteria that, while culturally and historically based,<sup>8</sup> are at the most general level possible. The purpose is not to rank countries, regimes, or groups according to an appreciation of their virtues and 'character' in an Aristotelian manner, but to evaluate specific acts of goodness and badness in international relations in a comparative normative perspective.

My method: first defining two extremes – of badness and goodness – and two dimensions – a 'quantitative' and a 'qualitative' one; and second, ordering various types of human group action towards other groups. Let me now discuss these various steps in turn, starting with the extremes or end-points of the ethical scale, then justifying the moral dimensions, and ending with a presentation of the eight different mid-points on this ten-point scale.

My argument in a nutshell: total war at one extreme and Just Peace at the other cannot constitute the endpoints of an international moral scale. As Primo Levi reminds us, it is always possible to conceive – and sometimes live through – a greater happiness or a worse hell than previously imagined. Actually, pushing thinking into its logical limits leads us to one conceivable extreme, a nuclear-like holocaust totally eradicating humankind, and to a second conceivable extreme in the form of paradise, pure happiness for all humanity. In a deep sense, the extremes coincide with the disappearance of the human species: should it disappear from the face of the world, then human morality disappears with it. At the other end, if all humans live (forever) in paradise, then they cease being human – and human morality has no place in such world. Thus morality only exists *between* these two end points. At the two extremes, it ceases being *logically* possible.

While the end-points of the scale will hopefully not to be too contested, the classification of the intermediary categories will necessarily give rise to multiple critiques. The problem of classifying complex phenomena such as war and peace lies in the proliferation of their defining criteria. These definitions come from different – and often antagonistic – intellectual, cultural, ontological, normative, and epistemological traditions. This is only to mention some of the dimensions along which one may envision and classify them. This prevents one from building a true ordinal scale, linking things in a series which has properties which are exhaustive, mutually exclusive, and a unique order of its elements. Nevertheless, it still is useful because of conceptualization benefits from this exercise. Understanding requires comparison. Both difference and similarity are needed for comprehension.

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<sup>8</sup> Alas, this constraint cannot be fully escaped, however hard one tries. Walzer (1994: 9) puts it this way: “A moral equivalent of Esperanto is probably impossible (...). There is no neutral (unexpressive) moral language.”

Let us start from war, the common extreme of international badness. Before the last century witnessed two 'World Wars,' Thomas Hobbes and Karl von Clausewitz had already imagined what forms a total war could take. When thinking about the state of nature and its relationship to war, Hobbes did not conceptualize the state of war as one with constant bloodshed as a result of constant aggression and everyone trying to kill everyone else. Sadly, the natural worry of mankind stems from an original condition of relative equality among all human beings, which in turn leads to their vulnerability. As a consequence, as Hobbes writes:

For Warre, consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known (...) So the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.<sup>9</sup>

Similarly, Karl von Clausewitz's "war as mere continuation of policy by other means," as "an act of violence intended to compel our opponent to fulfill our will"<sup>10</sup> was, for him, an 'absolute' war. War's objective is to crush the opponent's resistance. Therefore, a military escalation is usually necessary. Since there is no limit to it, the escalation will proceed on both sides till the military forces of one of the parties are crushed and, consequently, the loser will submit to the demands of the victorious party.

Neither Hobbes nor Clausewitz envisaged a total war in the modern 20<sup>th</sup> Century sense, i.e. involving the whole civilian population. It is Erich Ludendorff who put forth this concept immediately after 1918.<sup>11</sup> For the defeated German general, war is total in the sense that it is not armies, but nations that wage war. This requires the complete mobilization of the whole society and economy. Victory means crushing the enemy nation by targeting its civil society and economy.

However, it is when considering a guerrilla war, that Clausewitz – who is the first important thinker to contemplate this kind of unconventional war – anticipates Ludendorff and the 20<sup>th</sup> century. In an important sense, guerrilla war is a total war as it requires the mobilization of a whole group or nation against its enemies and thus involves a whole people. It is probably as old as humankind; there was 'war before civilization'.<sup>12</sup> As Mao Zedong – one of Clausewitz's admiring students – put it in one of his famous aphorisms, combatants are 'guerilla fishes in a population sea.' Pushed to the extreme, as in a radical terrorist conception, true non-combatants do not exist, and the *jus in bello* (law of fighting in war) is reduced to the proportionality requirement. In such a view, war not only affects, but truly penetrates the whole of society: all are combatants, no true civilians are left to be protected as such.

Thus, while war represents normality for Hobbes, it typically consists only of the possibility of battle or bloodshed. For Clausewitz, a guerilla war extends the circle of those affected and it is left to Ludendorff, Mao Zedong, and their terrorist followers to

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<sup>9</sup> Hobbes (1651; 1997: 70), capitalization in the original.

<sup>10</sup> Clausewitz (1832; 1968: 119); see also Aron (1976: 113, 325).

<sup>11</sup> See Speier (1943)

<sup>12</sup> Keeley (1996)

consider a total war that implicates the whole population. But is that the ultimate ‘bad’ from an international ethical viewpoint? Certainly not after a 20<sup>th</sup> Century marked by several genocides. Is then Primo Levi's Auschwitz the absolute horror where man is wolf for man? No, because Levi shows that even there, at the center of the Holocaust, space for hope, help, and humanity remained.<sup>13</sup> Thinking about gradations of horror leads one to imagine greater abominations than living through the battle of Verdun or walking from the train to the gas chamber. More extreme alternatives need to be considered from a theoretical perspective.

### 3. ABSOLUTE HELL: TOTAL DESTRUCTION OF HUMAN KIND

In his 1962 book, *Thinking about the Unthinkable*, Hermann Kahn tried to make his American contemporaries sensitive to the implications of the possession of nuclear weapons and the nuclear strategies being then contemplated in the Pentagon. His being portrayed as a Dr. Strangelove as a consequence made him bitter and resentful.<sup>14</sup> Actually, we now know that a major nuclear war between the United States and the Soviet Union would have had consequences that were not fully imagined at the time of Kahn's writing, the same year of the extremely dangerous Cuban Missile Crisis. Only thirty years later did the West learn that the USSR considered using tactical nuclear weapons in Cuba in case of a US invasion. As Fidel Castro acknowledged in 1992, he had in fact urged Khrushchev to respond by a nuclear attack on the U.S. in that event.<sup>15</sup>

Would I have been ready to use nuclear weapons? Yes, I would have agreed to the use of nuclear weapons. Because, in any case, we took it for granted that it would become a nuclear war anyway, and that we were going to disappear. (...) I wish we had had the tactical nuclear weapons. It would have been wonderful. We wouldn't have rushed to use them, you can be sure of that. The closer to Cuba the decision of using a weapon effective against a landing, the better. Of course, after we had used ours, they would have replied with, say, 400 tactical weapons – we don't know how many would have been fired at us. In any case, we were resigned to our fate.

At the same time that Kahn was thinking the unthinkable, Castro was contemplating it concretely. In some sense he wanted to be part of it. Nietzsche would have applauded: no boring peace here!<sup>16</sup> The nuclear war Castro envisaged in 1962 would clearly have led to the disappearance of the Cuban people. In fact, as was only learned in 1992, it could have been much worse since the Soviets did have tactical nuclear weapons already stationed on Cuban territory before the crisis erupted. And, Kennedy did *not* know of this.<sup>17</sup> Even in the comparatively more benign situation as he perceived it at the

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<sup>13</sup> The Austrian psychologist Viktor Frankl (1982) makes similar points based on his own experience in German concentration camps.

<sup>14</sup> See Kahn (1962), particularly the Afterword to the Avon edition (pp. 267-290).

<sup>15</sup> Fidel Castro responding to Robert McNamara during the Havana conference on the Cuban Missile Crisis, 9-12 January 1992; cf. Blight, Allyn, and Welch (1993: 252-3)

<sup>16</sup> Cf. Fukuyama (1992: 330 ff.)

<sup>17</sup> Neither did Castro, but at the beginning of the Cuban missile crisis only.

time, Kennedy estimated the possibility of a nuclear war as “between 1 out of 3 and even.”<sup>18</sup> And it is only in Gorbachev's times that the full consequences of a large-scale nuclear war were envisaged: a nuclear winter. Thus, the fate of humankind – and not only of one's country – entered the consciousness of decision-makers in the 1980s only.

These considerations remind us that a nuclear doomsday still remains a distinct possibility in our epoch. Would that be the worst that could happen to humankind, from an ethical point of view? In a deep sense, yes. Let us consider the argument proposed by Derek Parfit:<sup>19</sup>

I believe that if we destroy mankind, as we now could, this outcome would be *much* worse than most people think. Compare three outcomes:

(1) Peace.

(2) A nuclear war that kills 99% of the world's existing population.

(3) A nuclear war that kills 100%.

(2) would be worse than (1), and (3) would be worse than (2). Which is the greater of these two differences? Most people believe that the greater difference is between (1) and (2). I believe that the difference between (2) and (3) is *very much* greater.

(...) Civilization began only a few thousand years ago. If we do not destroy mankind, these few thousand years may be only a tiny fraction of the whole of civilized human history.

Parfit argues that the classical utilitarians, of whom he is one, would accept his argument because of the vast reduction of the possible sum of happiness. He sees another group that would agree as constituted of all those who emphasize "the Sciences, the Arts, and moral progress, or the continued advance of mankind towards a wholly just world-wide community."<sup>20</sup>

His scenario only considers the consequences of a generalized nuclear war, without including the horrors of the path towards the disappearance of mankind for its last members, a truly apocalyptic scenario along the lines of the nuclear winter preceding it. Such a doomsday would entail atrocious suffering during this period of human extinction.<sup>21</sup> Unfortunately, this extreme does not appear completely unrealizable: with Prometheus unbound, one can now envision the material possibility of the total destruction of humankind. And with the physical disappearance of humankind, we would have its total extinction. While some species would no doubt survive a nuclear holocaust, the human species as such would most likely be gone forever, and this even considering possible evolutionary mutations in the aftermath.

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<sup>18</sup> Sorensen (1965: 705)

<sup>19</sup> Parfit (1984: 453-4, italics in original)

<sup>20</sup> Parfit (1984: 454)

<sup>21</sup> Presumably, all this would be the result of a miscalculation or of an escalatory accident. We may however consider humankind voluntarily proceeding to a complete decimation by way of a universal suicide. We may imagine this decision taken in due consideration of all matters, with the utmost rationality, and following all necessary procedures – such as requiring a universal assent from all living moral agents. But such a suicide would be profoundly selfish and amoral with respect to the possible happiness of future generations, and this not only from a utilitarian perspective.

In sum, I propose the eradication and therefore the disappearance of humankind as the ultimate badness in moral terms.<sup>22</sup> We now turn to the opposite extreme point of the international ethical scale, the ultimate in terms of goodness.

#### 4. THE BEST: AGAPE PARADISE

Is a Kantian perpetual peace<sup>23</sup> the other moral extreme? Is it a blissful and Just Peace amongst humankind? Whilst this state of affairs appears at first glance as a perfect one from an international ethical standpoint, it is not: the opposite extreme to the eradication of humankind lies in paradise. Paradise is for two kinds of inhabitants; dead humans and non-humans – gods, angels, and other saints. Actually, paradise is an ideal for those who do *not* obey God's wishes – such as Adam and Eve –, and who became fully human only after being expelled from it. And they could return only at the price of their death. Whether paradise, this end point of morality in its various conceptions, was reached in a past Golden Age, or is programmed for the end of History – as in Judaism or in Christianity – is immaterial to its nature.

Although Judeo-Christian in inspiration, paradise is posited as a given, a ‘primitive’ – or ideal – concept. This allows one to escape the necessity of giving it a specific definition and makes it vulnerable to criticism coming from different philosophical or theological perspectives. Paradise is an imaginary world without real humans. In Aztec mythology, it is a world of gods. In Eastern philosophies, it comes as rebirth, as an afterlife. There, the experience of a *nirvana* is that of a total peace of mind; all desires are extinguished, thus providing for the highest possible happiness. These various paradisiacal-like situations come about because of the demise of human agents. This has a profound implication: without human presence, no ethical question arises. Should every human thought and act be perfectly moral, nothing would then stay ethical any more. In other words: should perfect morality as a distinguishing feature of the world be always present, then it would simply disappear. Paradise certainly is a place for extraordinary human beings – but they leave the ranks of humankind only once. Even icons such as Mahatma Gandhi, Mother Teresa, or Nelson Mandela remain human beings – at least as long as they are alive.

Thus, the two moral extremes are similar because of their relationship to human agency. No ethics can find a place in situations when there are simply no humans as with the disappearance of humankind or as in paradise. Primo Levi was correct in asserting that both perfect happiness and perfect unhappiness are unattainable on this Earth.

It is important to note here that utopias as developed in the history of thought, although describing social harmony, are still not paradisiacal. Even in Thomas Moore's classic 1516 description of *Utopia* – pointedly, a place of happiness which exists nowhere – crimes nevertheless occur between individuals and wars do not disappear either; Just

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<sup>22</sup> This is even more extreme than the total disappearance of justice and morality. As Kant wrote: "If justice perishes, then it is no longer worthwhile for men to live upon the earth." (quotation taken from Rawls 1999: 128, fn. 7).

<sup>23</sup> Kant ([1795], 1991)

Wars are allowed in cases of self-defense or to help extend the application of utopia in the colonies. Likewise, Karl Marx's communist ideal for mankind does not represent a perfect society, as it is still filled by men who eventually become – in his conception – fully human and are therefore able to realize their full potential.<sup>24</sup>

Besides paradise posited as being a 'human-free' state is an alternative way of approaching the ultimate in terms of 'goodness' on a moral scale that can be envisaged. It is considering situations where love reigns. In the case of pure love, there is no need for morality.<sup>25</sup> The Greek considered three basic types of love: eros, philia, and agape. Eros, being the love of another person for the pleasure of self is not the kind of love that necessarily leads to the well-being of others. Nor is philia entirely satisfactory in our context, as philia describes the relationship between two friends who enjoy each other's company and see some of their needs satisfied by the other on a regular basis. The ultimate good is agape; the purest type of love, love of the other for the other's sake. A good illustration of agape – though not a perfect one<sup>26</sup> – is the pure love of a mother for her baby. In cases of a true love, of a love for the benefit of the loved one, ethical considerations will tend to evaporate. The perfect mother does not need to consider moral questions; she loves, that is all. For the pure or extreme case of love, we need to turn to the love of a saint for others, the love of a prophet such as Jesus Christ, of a Saint Paul, of God.

The moral extreme in terms of the good lies in felicity. It means the greatest humanity, the most considerate kind of attitude of people with respect to other people, animals, and even things. There, the largest gentleness in its most magnificent kind can be envisioned. In other words, one may extend morality to animal rights for instance, or go further and consider not only the rights of future generations of humans as well as of other species, but see all of this within a holistic ecological ethic. My thesis is that this extreme attitude and action exists also in situations of pure love. That is to say that it is present when there is love simply for the other person's sake or a thoughtful and absolutely selfless consideration of her well-being.<sup>27</sup> Whoever this other person is does not matter. As the Apostle Matthew wrote:<sup>28</sup> "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Should all individuals, groups, or nation-states truly love one another and try to do their best for the other – without forgetting their own good, since they are not only moral agents but also moral objects – then morality, being all-present, simply dissolves in that universal love. This ideal agape situation corresponds to a paradise.

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<sup>24</sup> Elster (1985: 82-85).

<sup>25</sup> John, 1<sup>st</sup> epistle, IV, 8 & 16, *King James Bible*.

<sup>26</sup> The problem of choice is not completely absent, since the lover needs to consider her or his own needs in order to make the other happy, too. In other words, there is a line between love and self-sacrifice. Feminist theorists recognize this issue; see Gilligan (1993: 149) and Noddings (2003: 105).

<sup>27</sup> Cf. Comte-Sponville's (1995: 291-385) interpretation of agape. I do not follow Joseph Fletcher's (1966) *Situation Ethics* which claimed that love was the only absolute rule of morality and that one should attempt to do what love would command in each situation (agapeism).

<sup>28</sup> Matthew, V, 44, *King James Bible*.



## 5. METHOD CONSTRUCTING AN INTERNATIONAL ETHICAL SCALE PART TWO

Theoretical extremes or ideal end-points are not too difficult to define. Now comes the more difficult task of developing the scaling – that is, the measurement – of the different ethical categories that lie in between them, the space for true humanity, good as well as bad. So let us continue on our methodological journey.

How does one measure different ethical categories with respect to each other? Let us start from the most basic scale of measurement, the nominal one. There, one simply distinguishes among objects, phenomena, or whatever, allowing each to be put – according to *one* of its characteristics – into one and only one category. Since we normally wish to be able to classify everything that could come about, two requirements are necessary. First, everything needs to find a precise place. Second, *all* phenomena under consideration find their place within the given categories. In more technical terms: the categories have to be mutually exclusive, and the set of all categories need be exhaustive.<sup>29</sup>

This first measurement level is clearly insufficient for our purposes since a nominal scale only allows for distinguishing phenomena, but not for their direct comparison. For that, we need to turn to the next level in terms of the complexity of measurement, or the ordinal scale. This adds a third property to a nominal scale: that of an order placing all categories with respect to each other. This allows us to put them in a sequence according to another characteristic applying to all phenomena that are thus compared. Needless to say, this classification is arbitrary. One may also add that the nominal and ordinal scale are *qualitative* ones and do not require quantitative notions as when using numbers.<sup>30</sup> In this general sense, any language is also measurement. It gives us a necessary differentiation among words and concepts, putting them in relationship one towards the other.

How can we classify international morality? A one-dimensional scale – a characteristic monetary value in economics or physical qualities such as weight or length possess – would make moral evaluation much easier. But then, which ethical dimension to choose? Even in the case where it were possible to be one-dimensional, the central question of how to justify the choice of a specific ethical dimension – and therefore conception – remains. Only those who adhere to a certain ethical tradition will be persuaded by its arguments. And no consensus, not even a partial one, exists presently on which tradition is superior to others, or which to follow based on some general grounds. Instead of being monistic in starting from a specific choice of a moral theory, an alternative path to a justifying of morality is to start from moral judgments and determine the theory as a consequence. This is a path followed by Rawls, for example. However, the problem of justification remains because of the variety of ethical theories.

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<sup>29</sup> See the standard work of Ellis (1968: 52-67) on different measurement scales.

<sup>30</sup> The two other basic measurement scales, the interval and ratio ones, do not concern us here, given their much more demanding requirements going beyond the possibilities of moral evaluation.

I submit a two-fold approach allowing me nevertheless to move forward in developing a general international ethical scale. First, I define *conflict* as a ‘primitive’ from a theoretical standpoint. This allows one not to define it specifically and thus enter into all kinds of difficulties due precisely to the truly conflicting nature of various conceptions in this area. All that is claimed is that the absence of harmony, that is, conflict, is ‘bad’ in ethical terms. The greater the conflict – whatever that term specifically means in a certain context – the less desirable the situation from an ethical standpoint. The more conflict between various social groups, the worse it is ethically on my schematic. Conversely, the less conflict, the more parties agree, collaborate, or are even in harmony, the better in moral terms.<sup>31</sup>

Second, I am using two dimensions to classify various situations from an international ethical point of view. One dimension is consequentialist or teleological, the other deontological. The eminence and centrality of the two ethical theories founding these two dimensions speaks for my conception. Indeed, “[m]any philosophers follow John Rawls in supposing that two categories, teleological and deontological, exhaust the possibilities regarding theories of right action.”<sup>32</sup>

Consequentialism evaluates a given action by examining its consequences. This to say that we should do whatever has the best consequences in terms of the good, or also known as a teleological approach. For utilitarianism, a consequentialist ethic, we need to consider the greatest happiness for the greatest number of people. This approach is central to several paradigms in international relations theory. Political realism is based on a consequentialist approach to foreign policy in that it is driven by the concept of national interest<sup>33</sup> and, implicitly, the necessity for those who make decisions to consider the interests of the group or state they represent – and not their private interests. Liberalism and especially neo-liberalism, also tend to be consequentialist in their emphasis on interest-based explanations and on mutual advantage. Marxism shares some of the philosophical roots of liberalism and is also consequentialist and utilitarian in its outlook as illustrated in modern neo-Marxist developments such as World-System theory.

The deontological approach concentrates on the correct action, the one following given moral rules, or rules one rationally finds within self. For Immanuel Kant, the greatest thinker espousing this approach, each act should obey the *categorical imperative*: one is acting in such a way as to wish that each act were the exemplification of a universal law. This rational doctrine leads to rights or duties based morality. In particular, a

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<sup>31</sup> My perspective is open to criticism. In particular, ‘war is the father of all and king of all’ (Heraclitus) constitutes an alternative view. In a democratic system for example, conflict is brought out in the open and decided upon using democratic institutions. Both Gottfried Hegel and his follower Karl Marx saw in conflict the necessary ingredient for progress toward a better world. In social psychology, in psychotherapy, in systemic analyses of society, and in other approaches, conflict performs at times a quintessential function in bettering, in the end, the situation at hand. Still other schools of thought consider the inevitable obstacles that are put in people’s and group’s path as essential for individual or social satisfaction: too easy paths are not satisfactory ones. These alternative ontologies do not put my perspective into question for two reasons. First, the conflict at hand there is usually a modest one; second, the conflict is/will be overcome if not in the short, then at least in the long term.

<sup>32</sup> Davis (1993: 206).

<sup>33</sup> Cf. Morgenthau (1948, 1978); see McElroy (1992: 19-27) on the centrality of Morgenthau’s work in international ethics.

person is always an end and can never be a simple means to an end. Human dignity is at the forefront of morals. This duty/rule based ethic has influenced liberal idealism after World War I and its liberal developments after World War II. The concept of Just War is an exemplification of such a duty-based international ethic.<sup>34</sup>

Why two dimensions only and not three – or four or five etc.? Because of Occam's razor: greater complexity may be satisfying for a finer representation of reality, but at the same time it makes the whole classifying experience – and therefore knowledge – more unwieldy, and thus less helpful. An additional argument stems from the fact that other ethical theories have some disadvantages. For instance, in the doctrine of virtues what is morally evaluated is not a specific action, but the moral agent as such. This Aristotelian approach considers what kind of person the agent is, her attitude and general orientation to life, her character. In international relations theory, the thesis that democracies do not wage wars against each other constitutes one example. Since our goal is to develop an international ethical scale to evaluate and compare specific events and deeds, and not to judge international actors *per se*, Aristotle's virtue ethics and its modern developments<sup>35</sup> are not useful.

With two dimensions, both of which are envisioned as independent of each other, there necessarily appear cases in which one has to compare two acts or situations, for instance one which is 'high' on one dimension and 'low' on the other, while the reverse is true for the second deed. How does one then weigh the first against the second? Is abominably torturing one hundred people for a month worse than keeping one million people under subjugation for years? What about the terrorist who is someone else's freedom fighter? There is no general solution to these dilemmas which run directly counter to the requirement of good measurement theory since we need categories that are all-inclusive (not too difficult), while mutually exclusive (difficult).

Figure 1 represents the international ethical scale. First, the two measuring dimensions are discussed, then the extremes of each are presented, followed by the overall representation in terms of a square,<sup>36</sup> and we end with a discussion of the positioning of eight intermediate international ethical concepts.

\*\*\*\*\*Figure 1. approximately here\*\*\*\*\*

The vertical scale is modeled as uni-dimensional, from 'none' to 'many.' Thus the consequentialist and utilitarian dimension – which is arbitrarily represented on the vertical axis – starts from the origin or 'zero' point of no happiness whatsoever for anybody, since no human beings exist at that point. The further one goes away from the

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<sup>34</sup> Cf. Walzer (1977). However, some of the elements of Just War doctrine, such as proportionality, are in the line of consequentialism.

<sup>35</sup> Cf. in particular MacIntyre (1984).

<sup>36</sup> The orthogonal depiction of the two axes defines and symbolizes their independence with respect to each other. A square is used on purpose in order to symbolize that none of the dimensions is privileged over the other.

origin, the better the situation, that is, the happier more people are.<sup>37</sup> Similarly, the deontological dimension on the horizontal starts from no rules obeyed or duties followed at all at the origin, that is, from the morally most reprehensible situation. The further one moves away from the origin – on the horizontal axis – the more respectful of deontological considerations the considered act is. Thus for both dimensions, the zero point of the origin represents the total absence of any moral considerations.

Conversely, the corner on the upper right-hand side of the graph entitled ‘agape-paradise’ represents the other extreme – perfect morals followed by all towards all, i.e. the dissolution of morality since only gods are capable of reaching this extreme. From the perspective of the vertical axis, agape means perfect happiness for all. Looking at it along the horizontal axis, paradise implies love for all. Both cases imply the disappearance of morality through the disappearance of humankind.

In other words, neither the bottom left nor the upper right corners have any empirical meaning and will never be observed. In fact, the same observation pertains to the other two extreme points of the square. In the upper left hand corner, all is well in the intentions of everyone and all are happy – while not having any specific moral rules to follow. Likewise, the situation represented by the lower right-hand side corner portrays a situation where everybody perfectly follows her or his duties, but without any consideration whatsoever being accorded to the happiness of anyone; in fact, nobody is happy in such a dry world – but all simply follow the required rules. We can thus observe that none of the four corners describe any real human situation and therefore make any empirical sense. Extending this argument, we further observe that the same is true for all the sides of the square, for all intermediate situations between any of those four ideal points. From a descriptive-empirical point of view, this means that it is *only inside* the square that we have relevant combinations of international situations applying to a world of human beings.

The next sections will be devoted to the presentation of the contents of the ethical square. The discussion will show the necessary fuzziness of the positioning of eight remaining categories with respect to each other. As argued above, this stems directly from the fact that two separate dimensions are used to categorize these concepts. The continuum from genocide to care going from the lower left to the upper right in Figure 1, while not arbitrary, represents the pure cases of each. In fact, specific historical or hypothetical international acts of one category could well score better than the ideal type representation of other measurement levels. For example, a concrete instance of a brief and relatively bloodless Just War might at times be evaluated as morally better than a stable – but unjust – peace. Having already presented categories one and ten, we can now turn to the second category, genocide.

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<sup>37</sup> Again, both dimensions are ordinal ones and should be interpreted as such, that is, there is no implicit continuity or interval or ratio scale here.

## 6. NEXT TO WORST: GENOCIDE

Genocide is a voluntary program typically supported by a state and intended to eradicate a people or part of a population because of one or several of their individual characteristics as defined collectively – members of a 'race', a religion, a nation etc. This is done with no consideration about their acts or intentions, their age, their gender or other such elements, neither at the individual nor at the collective level. It is a war in all senses of the term, but for the fact that the victims usually do not defend themselves. As it often happens within a society and not between societies or nation-states, it is not necessarily an international deed in the narrow sense. From Nazi Germany to the killing fields of Cambodia, from Armenia to Rwanda and Bosnia, the 20<sup>th</sup> Century has provided us with too many examples of genocide. It is not a modern phenomenon though, if one recalls Gengis Khan, the Crusades, slavery, and quite a few of the chapters of colonization. Compared to the total eradication of humankind, genocide is, in a way, a partial destruction of humankind by extinguishing one of its peoples, and therefore a significant deal of its culture.<sup>38</sup>

Whatever the horrors of repeated attempts of holocaust-like dark chapters in human history, a sense of the numerical perspective allows us to say that these are rather the exception than the rule, which explains their prominence in historical writing. The probability of dying in such a situation is very roughly of the same magnitude as of losing one's life in one of the more 'normal' forms of war. The central discriminating criterion between the first category, the total destruction of mankind, and an instance of holocaust is precisely that: the first is a unique event, the second constitutes a class. From a consequentialist perspective, one could condone a small genocide in order to prevent a much larger war inducing much more bloodshed. Therefore, some fuzziness in the coding of these two categories remains but I submit that from a deontological perspective, genocide is significantly worse than a typical war.

What then distinguishes the Armenian genocide, the Holocaust, and the Rwanda genocide from a regular war? Genocide is characterized by its completeness in terms of its destructive aims, its organization of the killing for the sake of erasing a people. War, however extreme, bloody, and perverse, is different. Whereas in war, the opponent is to be crushed in order to reach one's war aims, genocide means that the extermination of the opponent is the primary goal of the conflict. Certainly, Hitler and his executioners clearly made that distinction while at the very same time fighting different kinds of wars around the globe. Most interestingly, and showing the real 'badness' of genocide, is the fact that even the Nazis did not propagandize their genocide publicly<sup>39</sup> and did their utmost to hide it.

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<sup>38</sup> The U.N. Genocide Convention of 1948 defines it as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

<sup>39</sup> See excerpts from a speech by Himmler further below, in the section on care.

## 7. WAR

Why is war a bad in moral terms? Precisely because it takes lives and the right to live is a crucial requirement for one's individuality and the enjoyment of life. Thus, from a deontological perspective, each life needs to be preserved. From a utilitarian one, it may depend on consequences, but as the purpose of utilitarianism is the maximization of the happiness of the largest number, the taking of lives in war is a moral bad. Michael Walzer reminds us in *Just and Unjust Wars* that "[w]ar is hell whenever men are forced to fight, whenever the limit of consent is breached. That means, of course, that it is hell most of the time."<sup>40</sup>

Paradoxically though, war is quite infrequent. Looking from the perspective of single states in the international system – and not forgetting civil wars – war appears as an exception in the intercourse between and within nations. For example, one of the fathers of the systematic study of wars, Lewis Fry Richardson, has calculated that the overwhelming proportion of possible war-years of the nations since 1815 have been peaceful ones. Almost all human beings die of other reasons than war. As Richardson put it, "[t]hose who enjoy wars can excuse their taste by saying that wars are after all much less deadly than disease."<sup>41</sup> On the other hand, there is always conflict somewhere; a systematic study has shown that between 1740 and 1974, war was always present somewhere and thus universal peace has not existed.<sup>42</sup>

The important impact of war on human lives is documented through the different names given to each in order to distinguish it from all the others: the Peloponnesian War, the Crimean one, the Napoleonic Wars, the Vietnam War, the (American or Spanish) Civil War, the "Football War", the Six-Day War, the Seven Years' War, the Thirty Years' War, the Boer War, etc. The list of bloody histories and no less bitter memories is unending and punctuates our rewriting of the past. What then about the absence of war which is a peace of sorts, and the fourth point on the scale?

## 8. NON-WAR AS PEACE

It is impossible to discuss peace without inquiring into the nature of war. It is as if they were the two sides of a same coin, defining each other by their respective presence. Are they antinomies? To some extent: the presence of peace implies no war, but war may be lurking behind an apparent peace. Spring of 1914 was peaceful though war was on many peoples' minds, from the *Kaiser* to people on the boulevards of Paris. For the time being, peace was a choice, but other choices could be made. Reciprocally, a war reaching a Clausewitzian 'absolute' level may pave the way for a permanent peace

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<sup>40</sup> Walzer (1977, 28)

<sup>41</sup> Richardson (1960: 163).

<sup>42</sup> Bouthoul and Carrère (1976: 57). Wright (1942, 1965), Small and Singer (1982), and Levy (1983) reach similar conclusions.

through the utter defeat – but not the eradication – of a party to it. The vanquished of World War II attest to this observation.

In his *Leviathan*, Hobbes argues that it is the mere possibility to pursue one's objectives with the sword that constitutes the state of war. He is right in the sense that 'negative' war – the absence of war – or a sense of insecurity is prevalent throughout history. On the other hand, peace appears much more frequently, in a certain sense. Over the last two centuries, at the interstate level of analysis and taking the year as the counting unit, there were close to one million pairs of states that could have engaged in a war,<sup>43</sup> for example between Liechtenstein and Switzerland, or Columbia and Thailand. But during that period, only around one hundred wars took place.<sup>44</sup> These considerations show more concretely how unlikely a war does happen, and that peace is more prevalent in history. So defining peace from a negative standpoint allows one to fill the concept with a nearly unlimited content. Given that war is a moral bad, its absence makes for a morally preferable world, both from a deontological and from a consequentialist perspective.<sup>45</sup> The nature of this peace varies greatly. Starting from a situation of large asymmetry in power relationship and moving to increasing symmetry of power, we can identify a few different types of peace.

First, we will discuss peace through *hegemony*. There is a strong asymmetry in power capabilities not compensated by a reverse asymmetry of interests,<sup>46</sup> leading the weak party but to accept peace – no matter how important its interests. This hegemony can be material as well as psychological, such as in the Marxian concept of alienation. This asymmetrical dependence is central to studies for those of the *dependencia* school. It can be exemplified by Columbia vs. the United States, or by Monaco vs. France.

Second is the classic peace through a *balance of power*. This is a large subject into which we will not meander here. Suffice to say that *Realpolitik* needs to work, and that several moral problems are particularly acute here, such as the primacy accorded to major powers over the smaller ones, and the necessity of certain amorality required to make it work.<sup>47</sup> Niccolo Machiavelli's teachings retain their pertinence and the moral dilemmas between the ethics of convictions and the ethics of responsibility that Max Weber vividly portrayed in his masterly 1918 conference *Politik als Beruf*<sup>48</sup> are constant in situations where the *raison d'Etat* forces decision-makers to chose among conflicting evils.

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<sup>43</sup> Bueno de Mesquita (2000: 198)

<sup>44</sup> Cf. Small and Singer (1982). Of course, wars may last longer than a year and involve more than two parties.

<sup>45</sup> It is interesting to note in this respect that revolutionaries, terrorists, war-loving imperialists, and other such representatives of humankind always justify the necessity of bloodshed by the promise of a better world – i.e. in moral consequentialist terms. In other words, war cannot be better than non-war *on its own*.

<sup>46</sup> The case where one party is strongly motivated but weak in power resources while the other one finds itself in the opposite situation is not clear. Such 'compensating' asymmetries are very common in wars of national liberation, ideological battles, terrorism, and guerilla warfare.

<sup>47</sup> Morgenthau (1978) and McElroy (1992).

<sup>48</sup> *Politics as a Vocation*, cf. [www.ne.jp/asahi/moriyuki/abukuma/weber/lecture/politics\\_vocation.html](http://www.ne.jp/asahi/moriyuki/abukuma/weber/lecture/politics_vocation.html) (consulted November 11, 2004).

Third, there is peace by *mutual deterrence*, that is, peace by fear and terror. This is peace by weakness rather than through strength when compared to the other categories above. Unlike the other cases, this distinctive category stems from modernity, i.e. from the existence of nuclear weapons.<sup>49</sup>

However, in all these cases, the essence of peace stemming from an absence of war nonetheless remains, in Hobbes's conception, a state of war, because of the mere possibility of war constantly looming in the background of people's minds. In this vein, one could also speak of 'adversarial peace', 'restricted peace', 'precarious peace' or 'conditional peace.'<sup>50</sup>

## 9. JUST WAR

The clearest evidence for the stability of our values over time is in the unchanging character of the lies soldiers and statesmen tell. They lie in order to justify themselves, and so they describe for us the lineaments of justice. Wherever we find hypocrisy, we also find moral knowledge.<sup>51</sup>

One could say, prolonging this citation of Michael Walzer, that a Just War is one where there are no lies. For deserving the adjective 'just,' a war needs to obey all the rules of *jus ad bellum* as well as *jus in bello*: due consideration must be taken of all the elements pertaining first to the right to go to war and, second, to the legitimate ways of fighting it. Transparency, sincerity, honesty – in other words, a good faith effort – are required to evaluate these choices. All rules are necessary ones, and only the respect of every single one of them allows for a 'Just War' qualification.

Thus, violence and bloodshed are not outlawed *a priori* in international affairs – as they are for the doctrine of pacifism. War can be legitimized providing that a series of stringent conditions are met. All are necessary, and none of them, nor even a significant subset of them, is sufficient to allow one to wage a war that would be just. The doctrine has attempted – over the centuries from Aristotle and Plato<sup>52</sup> through Saint Augustine and Hugo Grotius – to balance the requirements of humanity with respect to the consequences of acting to defend oneself. International humanitarian law is based upon it. The Just War doctrine can be said to constitute an attempt at synthesizing duties in war without totally forgetting consequentialism.<sup>53</sup> These rules are the following:<sup>54</sup>

### *Jus ad bellum*

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<sup>49</sup> See for example George and Smoke (1974).

<sup>50</sup> Cf. George (2000: xi)

<sup>51</sup> Walzer (1977, 19)

<sup>52</sup> Actually, one can find examples of lineaments of restrictions to war considerably earlier than in ancient Greece in civilizations such as the Egyptian and Mesopotamian ones; see Schemel (1999: 276, 298).

<sup>53</sup> Coates (1997: 114, 171-173, 259-264)

<sup>54</sup> Cf. Walzer (1977) and Orend (2000), Coates (1997), Graham (1997).



1. Just cause (*iusta causa*): war can be fought when it is the best means to restore peace and is acceptable mainly for reasons such as self-defense following aggression.
2. Legitimate authority (*legitima auctoritas*) and public declaration: war is undertaken and waged exclusively by the leaders of the state or community.
3. Right intention (*recta intentio*): a just cause is not enough, the intention needs to be right.
4. Proportionality (*proportionalitas*): the evil and damage of war must be proportionate to the injustice that led to it.
5. Last resort (*ultima ratio*): all plausible non-war solutions to the conflict have first to be attempted.
6. Probability of success: only a reasonable chance of repairing the damage done allows for war.

#### *Jus in bello*

1. Non-combatant immunity.
2. Proportionality: all actions taken must be proportionate to their objective.

So while there *can* be Just Wars, these stringent conditions imply that the vast majority of them are unjust. Morally, a Just War is to be preferred to a non-war masquerading as peace, both deontologically as well as from a consequentialist viewpoint. Since there is a reasonable chance of repairing the damage, it is superior to such a peace where unjust war is always lurking. But what can one say of a 'real' peace, and not only of non-war like situations? Is it to be preferred to a Just War? The answer is yes, as we shall see with the concept of a stable peace.

## 10. STABLE PEACE

"Stable peace is a situation in which the probability of war is so small that it does not really enter into the calculations of any of the people involved" is how Kenneth Boulding defined this concept.<sup>55</sup> Here peace is a negative war, but not simply a war that *does* not happen, but a war that *will* not happen, at least in people's minds, i.e. at the cognitive level. It is something that can not be envisaged, and, therefore, it is not. No place for a Just War here! Stable peace leads to a psychological sense of security. Thus, from a utilitarian viewpoint, stable peace is clearly better than an absence of war. From a deontological perspective, no bloodshed being envisaged by anyone is to be preferred, too. However, the question of justice is not on the forefront, as it is with the preceding concept of Just War and the concept of Just Peace which follows in the next section.

This sense of security pertains in different cases where a situation of stable peace constitutes the positive norm. At least six different cases can be defined, ranging from the logical impossibility of war because there is one actor only, to the imposition of peace from the outside, and through intermediary forms whereby the stability of peace is due to mere indifference or to power limitation.

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<sup>55</sup> Boulding (1978: 13).

First, there is peace by *universal empire*. If there is one actor only, then it is not possible to have two parties in conflict and warring. Social conflict disappears in a society of one agent only. This is but a logical possibility without any empirical content – up to now. Internal battles and civil wars may rage within, but the central forces would quickly reestablish order in an authentic universal empire.<sup>56</sup>

Second, is a *Carthaginian Peace*: the disappearance of a party – following a genocide for example – that can wage war ironically creates the conditions for stable peace between those who were in conflict up to then. Winning the third Punic War (149-146 B.C.), the Romans pursued an imperialistic course, destroyed the city, and killed its inhabitants or chained them into slavery.<sup>57</sup> In fact, it was a stable peace precisely because of the utter destruction – in the collective sense – of one of the parties. Although similar to the universal empire, Carthaginian peace is logically distinct, since war remains a possibility between the remaining party and other actors.

Third, would be a state of *indifference*: parties may simply have few interests or identity-forming elements potentially involving them so that there is little room for conflict, and even less for the contemplation of war. The origins of such indifference may stem from geographical – and sometimes sociological – distance. For example, the relationship between Poland and Switzerland would fit this category, as the one between Afghanistan and Nepal.

Fourth is the *limitation of power projection*, and it constitutes a logically distinct case. The important if not absolute limitation in the projection of power at a distance – i.e. a loss of strength gradient – no doubt explains why Nicaragua, Rumania, Burundi, and Malaysia do not go to war against each other. We simply cannot imagine them as being able to do so, for all practical purposes. And it is not only small countries that are presently in this situation, as the contemporary case of China vs. Brazil illustrates. Sometimes, with air forces in particular, a major power projects its strength far abroad. Usually though, a mutual lack of these type of power capabilities is correlated with a relative indifference in terms of the interests at hand. The case of the 1982 Falklands/Malvinas war provides for a good counterexample of this category.

Fifth, is the concept of *stable peace* as it has been developed by Arie Kacowicz and Yaacov Bar-Siman-Tov, not as a state of affairs, but as a process between nations that have the capacity to go to war against each other, but which forfeit this possibility.<sup>58</sup> In other words, it is a voluntary limitation of power projection. Once a conflict is resolved, stabilization of peace hinges on four cognitive conditions: (a) stable political regimes;<sup>59</sup>

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<sup>56</sup> One may envisage, at the level of the empire, internal disorder. Central police forces would however quickly reestablish order. This could mean a situation such as the one of a 'multiple self' with conflict among the various selves of a being, but that conflict would not take a bloody turn and would be handled along the various levels of the selves. On the other hand, the mere possibility of this 'multiple social self' could be disputed by those who argue that it is impossible to have a (unique) self without an 'other' which is seen as an absolute necessity for the constitution of the 'self'.

<sup>57</sup> Morgenthau (1978: 58-59, 239-240)

<sup>58</sup> Kacowicz and Bar-Siman-Tov (2000: 11-35) base their conceptual framework on analyses of various historical experiences such as the Scandinavian one, Egypt-Israel since 1979, German-Polish relations, the Baltic region, and ASEAN – see Kacowicz et al. (2000).

<sup>59</sup> They mean something akin to the decent well-ordered peoples in Rawls's (1999) terminology.

(b) mutual satisfaction with the terms of the peace agreement; (c) predictability of behavior and problem-solving mechanisms; and finally (d) open communications channels with initial trust and respect between the leaders.<sup>60</sup> Their approach encompasses classical process-oriented approaches to building confidence and developing a mutually beneficial relationship such as Charles Osgood's 'Graduated and Reciprocated Initiatives in Tension-reduction.'<sup>61</sup> There, states maintain their own security while unilaterally initiating and then inducing reciprocation, all the while demonstrating genuineness. Several of their stable peace factors are akin to Roger Fisher's 'win/win' approach to negotiation which separates specific people from the problem. It focuses on interests, not positions, and generates a variety of possibilities before there is any decision while insisting that the result be based upon some objective standard.<sup>62</sup>

Sixth is a stable peace as obtained through *imposition*. This is probably among the most frequent kind of stable peace. In this respect, it is ironic to note that the realist principles defining the 'billiard-ball' Westphalian model – non-intervention and territoriality – have in practice been constantly challenged by alternative principles such as the international protection of minorities or human rights, as Stephen Krasner has shown.<sup>63</sup> Actually, stable peace was often obtained by imposition from the outside, typically by major powers. In Europe for example, they imposed their ideology – a religiously tolerant one – after realizing the consequences of the religious wars of the 16<sup>th</sup> and 17<sup>th</sup> centuries. Surprisingly – given the epoch – a choice was made in favor of peace rather than belief, this in a time when nothing seemed more important to people than the salvation of their souls. This amazing fact shows the centrality of peace, even more essential than belief in life after death.<sup>64</sup> The Peace of Augsburg of 1555 set forth the post-medieval principle of the prince setting the religion of the people in his territory (*cuius regio, eius religio*), thus allowing for stable peace between Lutheran and Catholic princes.<sup>65</sup> However, dissenters were allowed to emigrate, only public worship could be regulated by the state, and private worship stayed private. In addition, there were some exceptions to the modern principle set in Augsburg, such as the rulers of ecclesiastical states who could not change the religion in their domains. In Westphalia, too, there were exceptions since "[t]erritories were to retain the religious affiliation that they had on January 1<sup>st</sup>, 1624, regardless of the desires of their ruler."<sup>66</sup> As Krasner writes:

In sum, the Peace of Westphalia, often seen as the beginning or ratification of the modern state system, included extensive provisions for religious toleration that violated the principle of autonomy. (...) Over time, the principle of toleration that was implied although not explicitly endorsed by

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<sup>60</sup> They add two favorable, though not necessary, conditions: (e) third-party guarantees; and (f) spillover effects towards other elites and the population at large with the provision of nonmilitary public goods. For them, if all states involved are democratic, this constitutes a sufficient condition for the consolidation of a stable peace (i.e. the liberal-democratic theory of peace.) They also add normative considerations with the development over time of peace norms according to international standards of peaceful behavior.

<sup>61</sup> Osgood (1962)

<sup>62</sup> Fisher and Ury (1981)

<sup>63</sup> Krasner (1999)

<sup>64</sup> Aron (1962: 393) makes the interesting point that peace was more important than the choice of church for individuals, even though this had implications for the salvation of their souls, something crucial for many at that time.

<sup>65</sup> Krasner (1999: 79ff.)

<sup>66</sup> Krasner (1999: 79-80)

the Peace of Westphalia did come to prevail in western Europe. (...) [I]n Europe religious toleration (and at Vienna even respect for an ethnic minority) was embodied in international agreements that prescribed national law and practices. These accords were usually contractual arrangements among the major powers concluded to end wars. These stipulations, including those found in the Peace of Westphalia, violated the Westphalian model.<sup>67</sup>

The most crucial – and implicit – element for a stable peace conception is security through order. Often, this happens slowly, with the passage of time, as Quincy Wright argues in the conclusion of his monumental *Study of War*: “*The Time Element Must Be Appreciated*.—War might be defined as an attempt to effect political change too rapidly. Social resistance is in proportion to the speed of change.”<sup>68</sup> Extending this line of thought, one could argue that stable peace might be defined as a state of slow political change with little resistance to it. Only the passage of time, the ebb and flow of generations, will in many cases make initial conflicts forgotten and a stable peace possible. But a long duration is not always necessary, and stable peace can come about very rapidly, after a major event. For instance, a traumatic event may dramatically accelerate mutual perceptions and the recomposition of memories, as happened after World War II.

But where does justice enter the picture? In fact, stable peace does have a moral worth because of the accepted order that provides everyone with a sense of security. Although its various elements and manifestations are not necessarily just, the very fact that no one is putting this stability in question gives it some legitimacy, and, therefore, some morality. This is what is called in German “die normative Kraft des Faktischen” – the normative strength of the fact or the reality. As Raymond Aron the realist has reminded us, international law – which is resulting from agreements between states – thus stems from the force that established those states in the first place.<sup>69</sup>

## 11. JUST PEACE

Just Peace is a stable peace with justice. However, it does not stem from a universal empire or a Carthaginian peace; it does not come from indifference or limitation of power; it is neither what could be called a ‘cold’ peace of the stable kind as seen above, nor is it the result of an outside imposition. Just Peace clearly goes beyond these six kinds of stable peace in the sense that the peace order is seen not only as a ‘natural’ or normal one, but also as a just one. All parties accept it as regulating their relations in a legitimate way, making all satisfied: this is why it is morally superior to stable peace from a deontological viewpoint. From a consequentialist perspective, it is to be preferred, too, since the feeling of justice is a moral good and contended parties are happier as utilitarians.

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<sup>67</sup> Krasner (1999: 81-82)

<sup>68</sup> Wright (1942 & 1964: 391, italics in original)

<sup>69</sup> Aron (1968: 591); he takes that argument from Pierre-Joseph Proudhon.

Proceeding from a Just War to a Just Peace, one way is to simply extend the *jus ad bellum* and *jus in bello* to a *jus post bellum*. Brian Orend,<sup>70</sup> working in the footsteps of Michael Walzer, proposes the following requirements for this development:

*Jus post bellum*<sup>71</sup>

1. Just cause for termination  
Requires a reasonable vindication of those rights whose violation led to Just War. Most if not all unjust gains from aggression have been eliminated. Cessation of hostilities. Formal renouncement of aggressor. Formal apology from aggressor. Aggressor's submission to reasonable terms of punishment, including compensation, *jus ad bellum* and *jus in bello* war crimes trials, and perhaps rehabilitation.
2. Legitimate authority  
Peace terms are publicly proclaimed by the leaders of the state or community of Victim/Vindicator.
3. Right intention  
No revenge. *Jus in bello* war crimes trials for the Just War party, too.
4. Proportionality  
Peace terms are proportional to the end of reasonable rights vindication. The people from the defeated aggressor never forfeit their human rights. No draconian punishments.
5. Discrimination  
Punitive measures focused on those most responsible, with proper differentiation between political and military leaders, soldiers and civilians. No undue and unfair hardship upon civilian population of aggressor.

In Walzer's tradition, a Just War should be followed by a Just Peace. For Rawls, too, "[t]he aim of a Just War waged by a just well-ordered people is a just and lasting peace among peoples, and especially with the people's present enemy."<sup>72</sup> But this does not imply that a Just Peace needs to be preceded by a Just War. Just Peace can come about for various reasons and may also come after an unjust war. The question for example of whether or not the U.S. Civil War settlement was a just one could be considered in the 19<sup>th</sup> Century or even in the beginning of the 20<sup>th</sup> Century as a pertinent interrogation, at least for some in the South. However, what is sure now is that the citizens of the 50 American States of the 21<sup>st</sup> Century consider the peace between them a just one. Time does bring healing, younger generations experience peace as justice, justice as peace. Similarly, the peace between the German states or the one among Swiss cantons originates in provisions of tolerance of the Westphalian Peace treaties.<sup>73</sup> It is this continuous practice that has allowed for stable (and at times just) peace among different social groups within a community.

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<sup>70</sup> Orend (2000: 135-152)

<sup>71</sup> Freely cited and adapted from Orend (2000: 151).

<sup>72</sup> Rawls (1999: 94).

<sup>73</sup> The formula of an *amicabilis compositio* – that is, the requirement to negotiate – became institutionalized between religions on the basis of a federation, with religious groups partly autonomous from the state and recognized on the basis of parity; see Lehmbruch (1996).

For some, a Just War is a misnomer if not an oxymoron. Pacifists ask: how can war wrap itself in the noble word of justice, how can spilling blood ever be just? *Prima facie*, Just Peace should not encounter the same kinds of problems. However, it is vulnerable to some internal difficulties, too: the rightful search for justice may prevent peace. Often, justice is defined *a priori*, by what constitutes it, such as utility (Bentham, Mill), fairness (Rawls), socialism (Marx), rights (Dworkin), or entitlement (Nozick) etc. The evaluation of a just peace outcome will then crucially depend on the specific conception of justice chosen. And we can hardly expect a specific conception pleasing everybody because some may prefer another criterion of justice more to their advantage. Therefore, the search for justice may well run counter to the search for peace.<sup>74</sup>

One solution to this criticism is to consider justice as what parties decree it is, by having found an agreement amongst them. In their eyes at least, no external justifications are necessary, since they conceive the terms regulating their relationship as being just. This view – which Alexis Keller and I privilege<sup>75</sup> – constitutes an *a posteriori* approach. It sees the question in terms of a language-oriented process whereby negotiators build a novel shared reality as well as a new common language. Justice then becomes immanent to practice. It does not require any universal ethical justification. It is just, because it is based on four ‘conventions’ that are negotiated and recognized as common by the parties: *thin recognition*, *thick recognition*, *renouncement*, and *rule*. While Just Peace is a desirable state of affairs, it is nevertheless surpassed by positive peace, the eighth category on the international ethical scale.

## 12. POSITIVE PEACE

Within the ‘peace research’ tradition, social structures are usually seen as deploying what Johan Galtung has called ‘structural violence’ because of their unjust social ordering. The equivalent at the international level is imperialism, whether military, political, economic, or cultural.<sup>76</sup> The domination and therefore the exploitation and implicit violence and the resulting alienation need to be uncovered in order to free individuals, groups and peoples from their chains. Structural violence and oppression should be limited in favor of social justice because even peaceful communities are not free from structural violence. Negative peace is the absence of overt or direct violence, whereas positive peace implies the absence of oppression, structural violence, and social injustice. Therefore, even a Just Peace could be an unjust one from the perspective of the political reformer or the outside moralist. Just Peace may for instance characterize a situation among two imperialist states that are at the same time exploiting their colonies. Positive peace goes beyond this kind of peace which is a just one in an egoistic sense only, because positive peace strives for a more ambitious kind of justice which includes other agents who should also be set free.

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<sup>74</sup> See in particular Yossi Beilin’s arguments along these lines in this book.

<sup>75</sup> See our concluding chapter in this book.

<sup>76</sup> Cf. Galtung (1969 and 1971).

Thus, two moral features distinguish a positive peace from a just one. First, Just Peace is a local phenomenon applying only to those directly concerned. Positive peace considers the duties one may have beyond one's 'neighbors': complete strangers should be helped, too. Therefore, positive peace is more utilitarian and, from a consequentialist viewpoint, reaches out to a larger number of people or communities involved. Second, positive peace goes beyond a Just Peace towards a greater justice in redistributive terms. At times, it may even lead to a sense of pity for others whose position is a disadvantaged one with respect to self, with patronizing feelings from the so-called 'top-dogs' towards the 'under-dogs.'

Rawls's Law of Peoples aims at developing an overall positive peace. Continuing in the line of thought of social contract theory starting from Plato through Hobbes and Rousseau, Rawls's international ethics is devised by rational beings for mutual advantage. Political institutions governing the world are constructed by reasonable representatives of the various peoples who agree on rules governing their relations within a 'Society of Peoples.' Whether liberal or non-liberal decent peoples, they all honor a limited list of human rights and "assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime."<sup>77</sup> This 'realistic utopia' leads to a positive peace between all liberal and decent peoples in a Kantian pacific federation with the important addition of a minimum of distributive justice towards 'burdened' societies.<sup>78</sup>

But positive peace does not apply to inter-state or inter-national relations only. One can imagine a world without these entities, as cosmopolitans do. For them, the world is composed of individuals, not of collectivities such as communities, nations, or states.<sup>79</sup> The moral language is the one of universal principles. Values and norms – human rights for instance – are shared among people around the globe. While cosmopolitans do not negate the powerful allegiances to which individuals are bound at different collective levels, they plead for an ethic of globalization where the domain of obligation concerns all human beings within one community only encompassing all humankind, for *One World* as for example the utilitarian philosopher Peter Singer calls it.<sup>80</sup> And Andrew Linklater, a critical theorist, building upon Jürgen Habermas's work, analyzes and defends norms that recognize cultural differences while aiming at reducing material inequalities in order to develop a "universal dialogic community in which the justice of all modes of exclusion is tested in open dialogue."<sup>81</sup> In this, he joins communitarians such as Amitai Etzioni<sup>82</sup> who aim for a world-wide community using international institutions developing toward a world government.<sup>83</sup> Michael Walzer, also a

<sup>77</sup> Rawls (1999: 37)

<sup>78</sup> Rawls (1999: 105-120)

<sup>79</sup> Cf. Beitz (1979) and Held (1995). However, going beyond the nation-state can be criticized and Quincy Wright's point is still well-taken: "*We Must Start from Where We Are*. Neither nations nor international institutions which exist can be ignored, for the fact of their existence gives evidence of loyalties"; cf. Wright (1942 & 1964: 389-390, italics in original). A prominent cosmopolitan such as Beitz (2000) admits to the real challenge to cosmopolitan liberalism posed by John Rawls's constructivist and liberal *Law of Peoples*.

<sup>80</sup> Singer (2002)

<sup>81</sup> Linklater (1998: 220)

<sup>82</sup> Etzioni (2004)

<sup>83</sup> For Kant, the radical defender of individual freedom, such a world government – he called it a 'universal monarchy' – would constitute a despotic nightmare. For him, differences in language and

communitarian, pleads for a general moral minimalism because “[w]hen identities are multiplied, passions are divided,”<sup>84</sup> thus allowing at least for a ‘thin’ and minimal moral order.

Whatever the criticisms that can be addressed to these alternative views, does positive peace then represent the best or absolute good in international ethical terms? Does in particular Singer’s radical utilitarianism represent the most ambitious international ethical position, since it requires – at least in redistributive terms – so much more than Rawls’s minimalist positive peace solution and requires greater redistribution than Walzer’s moral minimalism? No, because even with universal justice within and between nations, as well as perfect justice amongst all individuals on this Earth, nevertheless an element of moral goodness that goes beyond justice is still lacking: humane care.

### 13. GLOBAL CARE

Lying between positive peace and agape-paradise on my international ethical scale, global care, its ninth category, is superior to positive peace from a moral standpoint. Indeed, it goes beyond justice in the abstract – while comprising it in its provisions – by also including an affective dimension in its enactment. Humanity, kindness, mercy, help, tenderness if not love, in short, caring for others, is a deeply human feature of social intercourse. Morally, care is closer to the extreme good on our ethical scale where morality disappears in a non-human world where agape, perfect love, reigns. While day to day friendly, maternal, or paternal relations experience the moral dilemmas of consequentialism vs. the deontological, from a moral standpoint, ethical considerations tend to evaporate in the presence of love. It is this proximity to the tenth and final category of our moral scale that elevates care above justice.

While justice and peace are what we strive for, it is injustice and war that attract attention. And when looking at world history, although wars and revolutions are much more studied, peace is much more common. Traditional diplomatic history – or *histoire traités-batailles* as the French *Annales* school historians derogatorily called it – concentrates upon wars and end-of-belligerency treaties precisely because these exceptional ‘real-life’ dramas appear as ‘new,’ i.e. newsworthy. But this emphasis on the exceptional makes us forget that life goes on for most people outside the stream of history, whether on 14 July 1789, on 1 September 1939, on 9 November 1989 or 11 September 2001. Whether the world is changing or not, features of humanity which are essential keep occurring, no matter what: the amicable relationships among friends, the day-to-day love of parents for their children, the social intercourse in the workplace with fellow workers, the associative activities of all kinds, the common praying and worship as well as innumerable other such activities. All these cannot be subsumed under the heading of care, but from a moral standpoint, these mores – customs, habits,

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religion have the immense advantage of splitting humankind in different groups. Therefore, this natural differentiation will remain among republics. They will treasure their separateness by being different while, at the same time, remain in ‘perpetual peace’ because of their internal republican order. See Kant (1795; 1999: 81-2).

<sup>84</sup> Walzer (1994)



and manners – make for moral attitudes. And it is social relationships – and not considerations of principles of justice – that stand at the center of people’s lives.

The ethic of justice claims to be universal and impartial. It is based on a rational reading of ethical requirements. It seeks to encompass the moral case at hand within a generalized ethical reading. Equity is possible because of the abstract rules that blindly affect everyone. Although it requests interpretation of the specific case at hand – and therefore requires one to morally evaluate particular situations – the universality of its rules guarantees justice. For Rawls, moral development of individuals can be analyzed by a sequence of stages. These start from the morality of authority to the one of association to the third, and highest, level, the morality of principles.<sup>85</sup> An ethic of justice is based on reason and principles, such as, in a Kantian perspective, his categorical imperatives.

On the other hand, the ethic of care is more particularistic and concrete in its ontology. There, the moral agent seeks to do good around her or himself, taking care of the persons she or he is in a relationship with. These have a face and can be identified. Caring implies being responsible for others rather than claiming rights, while stressing the common humanity of all. It is an attitude that seeks to do the good *hic et nunc*, here and now.

Whereas justice is typically associated with the public sphere, care is often seen as belonging to the private one. Without diminishing the essential role of abstract principles of justice, a major problem of theories of justice remains: how are moral agents constituted?

Why have justice theorists neglected the development of the affective capacities underlying our sense of justice? Perhaps because the sense of justice grows out of a sense of care which is learned within the family. We could not teach children about fairness unless they had already learned within the family ‘certain things about kindness and sensitivity to the aims and interests of others.’<sup>86</sup>

The theoretical problem arises from the fact that modern political thought is permeated by liberalism. General principles of justice can be readily envisaged between rational equals. Whether Kantian, Rawlesian, or Dworkinian, a scheme for setting principles of justice can be readily imagined between free and competent adults. But how is it with children, with unfree, or with incompetent individuals? How can dependents make the responsible choices philosophers assign to liberal agents? Carol Gilligan strongly criticizes this conception:

While an ethic of justice proceeds from the premise of equality – that everyone should be treated the same – an ethic of care rests on the premise of nonviolence – that no one should be hurt. In the representation of maturity, both perspectives converge in the realization that just as inequality adversely affects both parties in an unequal relationship, so too violence is destructive for everyone involved.”<sup>87</sup>

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<sup>85</sup> Rawls (1971: 462-479)

<sup>86</sup> Kymlicka (1990: 266); he is citing Flanagan and Jackson (1987: 625).

<sup>87</sup> Gilligan (1993: 174)

But care does not solve all moral questions and there are a number of problems with it, too.<sup>88</sup> Simply caring for people who are close to us is not always satisfactory. It neglects strangers, especially those who are limited in the web of relationships in which they find themselves and have few if no one to care for them. Besides that, a sense of justice does not replace justice *per se*, since individuals as well as peoples cannot take care of everybody – priorities are required – and since they need to apportion some of their efforts for themselves in order to better care for others – a consequentialist requirement. This means that care needs to include at least some general conceptions of justice in a more encompassing synthesis. Principles of justice are paramount for making the world a better place, as attested by the continuing fight for human rights. But an ethic of care need not close its eyes to such principles as will be discussed below. To the contrary, it sees responsibilities for other human beings in a shared humanity.<sup>89</sup> A good example is Mary Wollstonecraft's 'nurturing liberalism'<sup>90</sup> which synthesizes elements of justice and care. In her 1792 *A Vindication of the Rights of Woman*,<sup>91</sup> "[s]he embeds justice within the larger framework of care but demonstrates its importance for caring relationships."<sup>92</sup> Her ideal is one of 'mutual sympathy' or friendship, where natural and pure affection devoid of all coercion exists. It is the duty of parents to educate their children toward such an autonomy allowing them to overcome, over time, their dependency situation. The development of private care throughout society will thus lead to the development of public virtue. For Wollstonecraft, "[t]he main attribute of a virtuous individual (...) is the self-conscious fulfillment of one's responsibilities and duties to others."<sup>93</sup>

In fact, by putting the humane aspects – consideration, sympathy, or compassion for others – to its forefront, care goes further than justice by demonstrating the lineaments of morality in day-to-day life. The examination of some extreme moral cases will bolster this claim. First, one can note that even Auschwitz was not able to eliminate all traces of humanity and morality between people, as shown by Primo Levi's analysis of *The Lager* which was a gigantic biological and sociological experience.<sup>94</sup> Among the most interesting features of his work are the portrayal of the very varied ways that allowed him and a minority of his fellow prisoners to survive. Humanity and care amongst prisoners (and at times with some of their jailors, too) constituted essential elements explaining this survival. Second, it is important to remark that even the most

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<sup>88</sup> The ethic of care has been primarily developed in a feminist perspective by Carol Gilligan (1993) who argued that women's moral development led them to speak *In a Different Voice* from men's ethic of justice. Since it comes close to being based on the public-private dichotomy, this leads to at least two problems. First, this dichotomy may in fact explain the differences between the voices of justice and care. Second, making this moral distinction also runs the risk – ironically! – of thus perpetuating patriarchy. See also Hekman (1995) who, building upon Gilligan's work, argues for a discursive reconstruction of morality that radically goes beyond the disembodied general principles of justice – based upon autonomous selves – toward contemporary if not post-modern subjects who are socially situated. Her epistemological reflections lead her to "theorize a multiplicity of moral voices constituted by race, class, and culture, as well as gender." (p. 163)

<sup>89</sup> Cf. Kymlicka (1990: 271) who criticizes this more expansive way of defining care as in fact adopting a universalist ethic of justice.

<sup>90</sup> Cf. Engster's (2001) reading of her work.

<sup>91</sup> Wollstonecraft (1792)

<sup>92</sup> Engster (2001: 578)

<sup>93</sup> Engster (2001: 587)

<sup>94</sup> Levi (1958; 1985).

ruthless tyrants were not entirely void of some humanity which they displayed to their entourage:

So were Hitler and Stalin capable of caring for others? The answer is a qualified “Yes.” Hitler sometimes seemed touched by certain kinds of suffering and could show consideration for his staff. He fed birds and tried to reduce the pain of lobsters being boiled alive. Though he could order the extermination of the feeble-minded without compunction, he remembered his secretaries’ birthdays and was generous toward those who helped him when he was poor. “*When I think about it,*” he amazingly claimed, “*I realize that I’m extraordinarily humane.*”<sup>95</sup>

The tension between ideological convictions and the requirements of humanity are also made clear in Reichsführer-SS Heinrich Himmler’s famous Poznan speech. Talking to top SS officers in a secret meeting, the second most powerful man in Nazi Germany said this about the Holocaust:

I also want to mention a very difficult subject before you here, completely openly. It should be discussed amongst us, and yet, nevertheless, we will never speak about it in public. (...) I am talking about the “Jewish evacuation”: the extermination (Ausrottung) of the Jewish people. It is one of those things that is easily said. “The Jewish people is being exterminated,” every Party member will tell you, “perfectly clear, it's part of our plans, we're eliminating the Jews, exterminating them, ha!, a small matter.” And then along they all come, all the 80 million upright Germans, and each one has his decent Jew. They say: all the others are swine, but here is a first-class Jew. And none of them has seen it, has endured it. Most of you will know what it means when 100 bodies lie together, when there are 500, or when there are 1000. And to have seen this through, and – with the exception of human weaknesses – to have remained decent, has made us hard and is a page of glory mentioned and never to be mentioned.<sup>96</sup>

This shocking admission demonstrates that even people such as Himmler well realized the difficulty of exterminating, concretely and personally, other individuals, be they mortal enemies such as Jews were for the Nazis. The SS leader also realized that every single German wished to protect the individual Jew whom he personally knew. What all this means is that Auschwitz was possible because of the ideology behind it and with the help of institutional strategies dehumanizing the purported ‘enemy.’<sup>97</sup> Such was the price for remaining ‘decent;’ although it made the SS ‘hard,’ that ‘glorious’ chapter would nevertheless never be written. And Himmler, too, was one of those Germans who had a ‘decent Jew:’ he helped a Jewish professor to leave a concentration camp and

<sup>95</sup> Cf. the book entitled *How Do We Know Who We Are? A Biography of the Self* by the psychiatrist Ludwig (1997: 176, italics in original).

<sup>96</sup> Cf. <http://www.holocaust-history.org/himmler-poznan/speech-text.shtml>, a speech made on October 4, 1943 (consulted November 11, 2004).

<sup>97</sup> It is significant that learning the trade of soldiering means two things in particular. First, learning to consider the enemy as a barbarian if not a non-human. Second, creating very strong bonds and humane solidarity between the men of the basic combatant unit such as a platoon. Officers well know that soldiers are rarely ready to die for their country, but are willing to take considerable risks of dying for their ‘buddies.’ In this respect, “men are made, not born,” as Goldstein (2001: 264) convincingly shows.

emigrate.<sup>98</sup> And Hitler himself spared many Jews out of sympathy or goodwill, including quite a few who were simple people and whom he did not know personally.<sup>99</sup> He spent a great deal of time, till the end of the war, on carefully studying the files of many such cases and excluding numerous people from the Holocaust – this while simultaneously keeping the final solution as his major goal.

These examples show that *humaneness* persists even in most extreme cases. In this sense, the humane feelings one experiences for other humans with whom one is in touch are universal ones. The problem with Stalin and Hitler lay with their ideology and their fanatic belief in the righteousness of their ideas – which they saw as inextricably linked to their own destiny. The ethical values they espoused were those of communist, respectively aryan, justice. For these consequentialist moralists, the nobility of the cause permitted everything. This gives another reason why an ethic of care is superior to an ethic of justice: it is better to behave morally at the concrete level than unquestionably follow whatever general principle of justice one is convinced is right. Better to care humanly, in concrete relationships around self, rather than to attempt bring justice and build Utopia in this world – especially when one uses a sword!

It is through human communication, i.e. language – both verbal and non-verbal – that humanity is always expressed. This is why the anthropologist Sarah Blaffer Hrdy can write in *Mother Nature: Maternal Instincts and How They Shape the Human Species*:

Language is integral to the symbolic capacity that allows humans to understand cognitively what others are expressing at the same time as we understand at an emotional level what others are feeling. (...) What makes us humans rather than just apes is this capacity to combine intelligence with articulate empathy. But all humans develop this empathetic component in the first months and years of life as part of a unit that involves at least one other person. (...) To be distinctively human – different from, say, a genetically very similar chimpanzee – is to develop this unique empathetic component that is the foundation of all morality.<sup>100</sup>

These arguments coming from evolutionary theory bolster the claim that an ethic of care is primary – in the sense of being internalized by all humans.<sup>101</sup> It is less demanding in terms of reason and autonomy than an ethic of justice. As anyone who has listened to children knows, feelings of justice and fairness come quite early – admittedly under the guise of the denunciation of injustice and unfairness in concrete cases affecting themselves or people in their close surroundings. And it is this empathetic feature of humankind<sup>102</sup> upon which one can build elements of an international ethic that in fact goes beyond simple justice.

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<sup>98</sup> Rigg (2003: 241)

<sup>99</sup> Cf. Rigg (2003: 232-257, p. 248 in particular for Hitler's motivations of sympathy)

<sup>100</sup> Hrdy (1999:392)

<sup>101</sup> Even those who will not be interested in reading Kant and Rawls, if one may write somewhat fatuously. Moral behavior need not require the lofty principles advocated by those thinkers.

<sup>102</sup> Actually, from an evolutionary point of view, humanity in the sense of belonging to a society of humans already starts in the mother's womb, according to Hrdy (1999: 527-528): "By the third trimester a fetus can hear noises beyond the womb, can process affective quality of the speech, and differentiate whether mother or someone else is speaking. This provides the fetus his first clues about the world. It marks the beginning of feeling 'embedded' in a social network and the sensation of belonging that gradually develops, after birth, into a capacity to experience feelings for others. The capacity to combine

Up to now, the discussion on care has centered on its original level of analysis, that of persons in relationship to each other. So how can one move to the international ethical level? One way would be to argue that the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations on 10 December 1948, sets forth such basic principles along which a global ethic could be founded.<sup>103</sup> However, it is a liberal text foreign to the spirit of an ethic of care. As the theologian Hans Küng cogently argues:

no comprehensive ethic of humanity can be derived from human rights alone, fundamental though these are for human beings; it must also cover the human responsibilities which were there before the law.<sup>104</sup>

Based on Küng's proposals, the Council of the Parliament of the World's Religions, which met in Chicago in 1993, signed a declaration on a global ethic. This declaration was confirmed by the InterAction Council of former Presidents of State and Prime Ministers in 1996 and contains 'two basic principles' followed by 'four irrevocable directives':<sup>7</sup>

- Every human being must be treated humanely!
- What you wish done to yourself, do to others
- Commitment to a culture of non-violence and respect for all life
- Commitment to a culture of solidarity and a just economic order
- Commitment to a culture of tolerance and a life of truthfulness
- Commitment to a culture of equal rights and partnership between men and women<sup>105</sup>

I argue that this declaration constitutes one exemplification of a 'global care' ethic. Indeed, these six moral rules are more in line with an ethic of care than one of justice as the Human Rights Declaration. Its first principle goes beyond the right to be treated equally – i.e. *humanly* – to the injunction of treating others *humanely*, that is, with a modicum of care. In this sense, it goes further than the liberal tradition of international law by way of a 'principle of recognition.'<sup>106</sup> At the societal level, it is essential that communities are recognized as such. Historically, indigenous peoples obtained the status of an independent 'nation' in this way – this without having had to conform to classic eurocentric institutions and concepts such as a 'constitution' or being 'civilized.' A dialogue was established between different human communities, none of them superior to the others.

The inclusion of the Golden Rule<sup>107</sup> as the second principle is also central from a care perspective. It implies a universality of humankind whereby every human can

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such feelings with our uniquely human ability to guess what someone else must be thinking and feeling is the main difference between humans and other animals."

<sup>103</sup> See also the chapters by Adam Roberts and David Little in this book which extensively discuss the normative importance of this Declaration.

<sup>104</sup> Küng (1997: 103)

<sup>105</sup> Küng (1997: 108-111; slightly adapted)

<sup>106</sup> Alexis Keller's chapter in this book reappraises this central question historically and therein shows the crucial importance of 'dissident' liberal thinkers, such as Montesquieu, Rousseau, and Chief Justice Marshall.

<sup>107</sup> Küng (1997: 98-99) presents "that Golden Rule of humanity which we find in all the great religions and ethical tradition." He cites its various formulations by: "Confucius (c.551-489 BCE): 'What you yourself do not want, do not do to another person' (Analects 15.23); Rabbi Hillel (60 BCE - 10 CE): 'Do not do to others what you would not want them to do to you' (Shabbat 31a); Jesus of Nazareth: 'Whatever

empathize with any other because all share the same aspirations. Implicitly, it asserts that every human being has the same basic values. Everyone, by simple introspection, can well realize the essential human wishes of others: survival, security, nourishment, freedom, connectedness to family, group, and culture, and other such basic needs. This Golden Rule principle is a responsibility of all – individuals and communities alike – in the spirit of a global ethic of care.

The commitment to a culture of non-violence is also in line with an ethic of care. It is explicitly argued for by Gilligan for example, for whom the requirement that no one should be hurt is a premise of care.<sup>108</sup> This can be readily extended to the international level, without necessarily leading to pacifism. Just War remains an option there, too. Even Gandhi, the apostle of non-violence, did not object to some forms of violence, in particular when fighting for justice, which is the ultimate duty: “Gandhi argues that, although non-violence is always the best course of action, it is better to fight with violence for a just cause than not to act because of fear.”<sup>109</sup> Solidarity and tolerance lie in the same vein along an ethic of care. Tolerance means that “others are like me but since I am unique in certain ways, I accept that they too are unique.” This value therefore leads to mutual toleration of other cultures, groups, peoples, and nations. As for solidarity, it extends to the sympathetic feeling of the others’ plight and the willingness to help in a humane way.

An ethic of care thus represents the highest humanly reachable level of an international ethic. Including general principles of justice, it is also demanding obligations from all towards others, individuals and peoples alike, in a responsible and humane way.

One important supplementary argument can be added. Human care does not necessarily spring from a self-interested point of view, contrarily to other species:

Chimps are quite capable of consciously calculating certain kinds of costs and anticipating benefits. They can even anticipate the cost-benefit decisions other animals are likely to make. But humans go a step further. They combine these analytical capacities with new ones – like being able to imagine the future. Even more important, they are able to translate hunches about how another animal will react into full-scale speculation about what others are thinking, and articulate their concerns both to themselves and to others. In this way, humans transform ingenious capacities of observation into the sophisticated capacity to care what happens to others, even those they have never met.<sup>110</sup>

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you want people to do to you, do also to them’ (Matthew 7.12; Luke 6.31); Islam: ‘None of you is a believer as long as he does not wish his brother what he wishes himself’ (Forty Hadith of an-Nawawi, 13); Jainism: ‘Human beings should be indifferent to worldly things and treat all creatures in the world as they would want to be treated themselves’ (Sutrakrintanga I, 11,33); Buddhism: ‘A state which is not pleasant or enjoyable for me will also not be so for him; and how can I impose on another a state which is not pleasant or enjoyable for me?’ (Samyutta Nikaya V, 353,35-342,2); Hinduism: ‘One should not behave towards others in a way which is unpleasant for oneself: that is the essence of morality’ (Mahabharata XIII, 114,8).”

<sup>108</sup> Gilligan (1982: 174); see also Ruddick (1995)

<sup>109</sup> Rajmohan (1996: 35)

<sup>110</sup> Hrdy (1999: 529)

It is this empathy which at times evolves into a quite normal and typical *sympathy* which allows humans *to care* for others. And this behavior is readily observed on the international scene, too. The numerous individuals and groups, especially, but not uniquely, non-governmental organizations, who are helping others in concrete instances in many different areas of life, are telling examples of care at the international level. Often based on an ethic of positive peace, they are no less often accompanied by an ethic of care in their day-to-day activities. ‘Warm’ care is morally superior to a ‘colder’ positive justice. This superiority also pertains to an ethical ‘global care.’

#### 14. CONCLUSIONS

To sum up, I present an international ethical scale ranging from war to peace, from Just War to Just Peace, from genocide to global care, and from the absence of war to overall justice as in positive peace. Following Rawls and many philosophers, two at times contradictory approaches, consequentialist and deontological, were used jointly. With their help, different actions were comparatively evaluated and measured – rather than assessing actors *in toto* as in an ethic of virtues. Both ethics are central to international relations theory. Consequentialism, close to utilitarianism, is key to realism, Marxism, and liberalism. The deontological approach leads to a morality based on duties and rights. It influenced Just War theory, liberalism as well, and constructivism.

As I argued, total war at one extreme and Just Peace at the other cannot constitute the endpoints of an international moral scale. In stating that absolute unhappiness and happiness are not of this world, Primo Levi was correct. Morality ceases to exist when humankind is totally eradicated – category one – as in a nuclear-like holocaust, or in the case of humanity disappearing when everyone is a saint and lives in paradise – and thus ceases to be human (category ten: *agape*). Between these two extreme points – which by definition have no empirical content – eight intermediary moral situations were then discussed, starting with genocide (category two). The disappearance of a part of humankind clearly represents the worst international crime that can be envisioned. War (category three) is morally superior to genocide. The next category is the absence of war, non-war, i.e. peace in a Hobbesian sense, since the possibility of war remains present at all times and with it a basic sense of fear and insecurity. Ethically, non-war is superseded by the old and well-known doctrine of Just War which makes for the fifth category.

After these first four ethical concepts centered on different kinds of war, follow four categories of peace, starting with stable peace (category six) which is a real peace because war is not lurking behind it. From a justice point of view, a stable peace is often based on an imposed and unjust order, and typically comes about after a major war or with the passage of time. However, stable peace does have a moral value because of order that provides everyone with a sense of security. Just Peace – the seventh category – is stable peace with justice. Because it is explicitly accepted as just, it is morally superior. Proceeding from a Just War to a Just Peace, one way to develop a Just Peace concept is to simply extend the classical *jus ad bellum* and *jus in bello* to a *jus post bellum*. Category eight, positive peace, morally surpasses Just Peace which is typically specific to two directly concerned parties. Positive peace refers to a more generalized

justice in international relations which is incompatible with exploitation and structural violence at the global level.

With ‘global care,’ my ninth category, I propose a concept morally superior to positive peace. Caring goes beyond justice in the abstract as it includes a humane, that is, an affective and cultural dimension. Consideration, sympathy, and compassion are at the core of a caring approach. Treating everyone humanely: this first principle goes beyond the liberal right to be treated equally, to the injunction of treating others humanely, that is, with care. A second principle, the Golden Rule, implies a universality of humankind whereby every human can empathise with any other because all share the same fundamental aspirations. The values of non-violence, tolerance, and solidarity complement these principles.

Some methodological weaknesses that are inherent to the theoretical choices made nevertheless remain.<sup>111</sup> I do hope though that this bold attempt at measuring international morality will help to better understand various categories of good and bad. Besides putting the concept of Just Peace developed in this book into an overall perspective, my international ethical scale allows for normative comparison between different concepts of international ethics. Hopefully, it will stimulate further conceptual and theoretical developments.

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<sup>111</sup> First, the scale is based upon a vision stressing harmony between individuals and groups; alternatively, one could plead for instance for a conflict-prone ethic whereby humankind advances toward the good by struggling. Second, having two independent dimensions for scaling international deeds makes it difficult to always place a concrete international act in one category only. For instance, is Just War with a lot of blood shedding morally superior – as I posit – to a non-war, i.e. peace, but a profoundly unjust one? Or is a stable peace – which may be unjust and result from force and custom – really to be preferred to a Just War – which, after all, should end with a just settlement and prepare a Just Peace? These dilemmas are inherent to my approach and cannot be eliminated. I tried to show however, that the inevitable fuzziness of the positioning of the categories with respect to each other was not as problematic as it appears at a first glance.



**Table 1. An International Ethical Scale**

- 1. total eradication of humankind**
- 2. genocide**
- 3. war**
- 4. non-war**
- 5. Just War**
- 6. stable peace**
- 7. Just Peace**
- 8. positive peace**
- 9. global care**
- 10 agape-paradise**

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