

SYMPOSIUM: WALZER AND THE MORAL STANDING OF STATES

Introduction

In the summer of 2008, Princeton's Institute for Advanced Studies and the Carnegie Council for Ethics in International Affairs (the publisher of this journal) convened a conference to recognize Michael Walzer's enormous contribution to the ethical and political philosophy of the twentieth century. Entitled "Justice, Culture, and Tradition," the three-day event saw more than twenty speakers and commentators offer a unique retrospective of one of America's leading political philosophers. What follows is a symposium comprised of three key articles from that conference, each of which discusses one of the most fundamental aspects of Walzer's philosophy: the moral significance of statehood.¹

Of course, it is impossible to put forward an overview of Walzer's rich moral and political philosophy in a brief introduction. Yet even a rough and incomplete "table of contents" will help us to understand the importance of the unifying theme of this symposium—a table of contents that I shall divide into five headings:

1. *Just War Theory*: Walzer's work in this field is his most significant contribution to twentieth-century political thought. His books, most notably *Just and Unjust Wars*, have reshaped the way in which just war theory is looked upon today, and they have become the focal point of rich and heated discussion over the last three decades. *Just and Unjust Wars* is read by moral and political philosophers, international lawyers, theorists of war, analysts of international relations, journalists, and (perhaps most significantly) professional soldiers in military academies around the world.
2. *Justice*: Developed in his *Spheres of Justice*, Walzer's theory of social justice is foundational to communitarian thought, and is considered by many as the primary alternative to John Rawls's theory of justice as fairness.
3. *Metaethics*: In further elaborating his theory of justice, Walzer developed an "interpretationist" conception of ethical reasoning and social criticism; and in so doing he defends the controversial claim that the norms that *ought* to govern the political life of a community are rooted in the practice of the community itself.

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4. *Multiculturalism and Minority Rights*: Walzer argues for the fundamental importance of the right of self-determination of legitimate political societies. However, he recognizes the deep cultural diversity within such societies. “Arguably,” Will Kymlicka writes in the following pages, “[Walzer is] the first political theorist, at least in the postwar era, to take seriously the issue of minority rights.”
5. As the editor of *Dissent* and an occasional contributor to *The New York Times*, *The New Republic*, and *The New York Review of Books*, Walzer has become one of America’s best-known social critics, and his writings illustrate his interpretationist conception of ethical reasoning and social criticism.

The articles in this symposium touch on a fundamental theme in Walzer’s thought: namely, the moral standing of states. Like other interpreters of customary and positive international law, Walzer notes that the legal system that governs the international community structures the society of states in terms of the “domestic analogy” whereby “nations are regarded as individual free persons living in a state of nature.”² States hold a moral right to their autonomy and territorial integrity in the same way that, for Locke, individuals have a natural right to their life, body, and property. Accordingly, a war of aggression (that is, a massive military violation of the territorial integrity of a state) is characterized as the capital crime under international law. States are assigned an inherent right of self-defense. For Walzer, this “legalist paradigm” is “our baseline, our model, the fundamental structure for the moral comprehension of war.”³

Walzer offers a new reading of the legalist paradigm whereby the basic right of states to their territorial integrity follows from a more fundamental right of the *collectives* living within these states to self-determination. Further, this collective right of self-determination is grounded in the right of *individuals* to develop a shared conception of the good life within a protected political space. Indeed, the right of members of a political society to create, change, and improve their particular way of life is, and ought to be, the basic value that international law protects.

Walzer’s communitarian interpretation of the legalist paradigm has important practical implications. The more traditional view (which, following Hedley Bull, Charles Beitz calls the “society of states view”) prohibits any and all violations of the territorial integrity of states; intervention is prohibited even if a ruler “should burden his subjects too heavily or treat them too harshly.”⁴ In Walzer’s view

(which Beitz labels “the society of peoples view”), if other conditions are met, the law should permit humanitarian intervention, for “when a government turns savagely upon its own people, we must doubt the very existence of a political community to which the idea of self-determination might apply.”²⁵

The way states are treated by Walzer’s legalist paradigm is important for understanding at least two other themes from his philosophy. In *Spheres of Justice*, Walzer argues that different standards of distribution are appropriate for different goods depending on the meanings of these goods. The meaning of a good, which determines its just distribution within a political society, is the meaning it has within the local culture of that political society. Justice is therefore an intrinsically political ideal. True, malnutrition and illness, as well as the extreme vulnerability of people to natural disaster, cry out for redistribution *across* borders. But the duty to assist burdened societies follows from the badness of human suffering; it has nothing to do with distributive justice, properly understood.

The relationship between a state and the community that “owns” it is crucial for understanding Walzer’s treatment of minority rights. As Kymlicka points out, according to the received view within multicultural thought, the *type* of ethnocultural group fully determines the cluster of minority rights appropriate to it. For example, theorists usually assign one set of rights for indigenous peoples (such as language rights) and another for immigrants and refugees (who have no language rights and are required to acquire the language of the majority). In contrast, Walzer develops “a typology of *different types of states*, and [formulates] the norms that each type of state should respect—for example, a traditional nation-state, such as France, can adopt one set of laws or policies toward cultural diversity, which would legitimately differ from those that are appropriate for a post-ethnic multinational state,” such as the United States.

Walzer views ethnocultural groups that share a single political space as a single collective that must cope with deeply diverse and often conflicting ways of life. The right to self-determination that the international community protects is the right of political societies to develop their own particular political culture. Thus, if members in a minority group have no just claim to an independent state, members of this group are also members of the state’s civil society. As such, they ought to give some weight to the way their fellow citizens, be they members of their own national minority or not, understand *their* own civil society—the very same society they are all, equally, members of. Therefore, if an immigrant society, such as the United States, extends civil rights in a nondiscriminatory way to its conquered and annexed

groups, it *might* have “no duty to respond to their aspirations to autonomy, and no duty to treat them differently from uprooted immigrant groups.” Walzer seems to believe that this American way of accommodating minorities is unavailable to a traditional “Old World” nation-state, such as France.

The three papers selected for this symposium challenge Walzer’s “statism.” Michael Doyle and Charles Beitz discuss the right of political societies to self-determination by analyzing states’ claims against military intervention. Doyle presents Walzer’s view as a modernized and deepened version of John Stuart Mill’s argument as expressed in “A Few Words on Non-Intervention.” Doyle reads Mill’s argument against intervention as an aspect of the sophisticated version of utilitarianism that Mill develops. Mill’s utilitarianism implies that in making collective decisions within the domestic society, it would be best to give decisive weight to the preferences of the majority. Mill draws a line between domestic and international justice, claiming that the system of sovereign states better serves individuals’ basic liberties. Indeed, argues Doyle, the “most important *direct* consideration for liberals was that nonintervention reflected and protected human dignity.” In Walzer’s framework this consideration is strengthened and specified: the right of individuals to freely develop a shared way of life is our essential reason for respecting self-determination. In Doyle’s view, this, together with the consequentialist reasons noted by Mill, is the foundation of nonintervention.

Charles Beitz revisits a thirty-year-old debate between Walzer and four critics of *Just and Unjust Wars*.⁶ The critics argued that Walzer’s limited revisionism regarding humanitarian intervention is not sufficiently progressive because Walzer’s restrained approach is in the interest of *states* but it harms *individuals*. The critics’ argument can be summarized as follows: from a moral standpoint, the territorial integrity of states is significant only if, and to the extent that, it contributes to the protection of universal human rights. At the level of deep morality, the basic moral wrong that might occur in the international community is a massive violation of human rights; a law that protects the sovereignty of states—instead of protecting human rights—distorts the adequate order of justification. Once an explicitly rights-based theory of just war is adopted, it would be easy to realize that the law that governs the practice of humanitarian intervention should be more permissive than the one Walzer argues for.

In revisiting the debate, Beitz admits that “Walzer was right to suggest that none of the critics . . . had thought enough about the meaning of self-determination and the reasons why we should care about it.” And, following Walzer, he attaches

some moral significance to the local moralities that constitute the identities of the members of a culture. Unlike Walzer, however, Beitz construes this value in terms of individual welfare: “however objectionable the values of a political culture may appear . . . the fact that it constitutes a locus of identification for members of the culture is itself a matter of moral importance. Interference in the culture’s internal life risks threatening the stability of the sense of membership and disrupting the pursuit of ends in which individuals have invested themselves.” The fundamental disagreement between Beitz and Walzer remains: Beitz rejects Walzer’s self-determination–based justification for humanitarian intervention. He insists that “the justification of humanitarian intervention appeals to standards that transcend local political moralities” and that “these standards reflect commitments to human rights.” He then argues that Walzer overstates the weight of one reason for caring about self-determination, and that this leads him to be unjustifiably restrictive about humanitarian intervention: “Walzer is inclined to give more weight to considerations about cultural identity, whereas the critics are more concerned about the overall impact of political decisions on individual well-being.”

Kymlicka challenges Walzer’s statism by exploring and criticizing his unusual state-differentiated treatment of minority rights. Rayher, Kymlicka argues that liberalism’s deep impulse leads toward a group-differentiated theory of minority rights. As he puts it, “it is . . . part of [the] self-understanding [of Western states] that they are liberal democracies, upholding nationally anonymous values of freedom, equality, and democracy.” According to Kymlicka’s understanding of liberalism, liberal states are about protecting human and political rights; liberalism, he suggests, denies that the single political society within a liberal state is an entity to which cultural rights *can* be assigned.

The three articles presented here contain insightful discussions of the role that the ideal of self-determination plays in Walzer’s philosophy, and penetrating analyses of the relations among the right of political societies to self-determination, the right of states against military intervention, and the minority rights held by ethnocultural groups. As such, these articles advance our understanding of the complex relationship between Walzer’s influential analysis of statehood, on the one hand, and cosmopolitanism, multiculturalism, and Millian utilitarianism on the other.

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NOTES

- ¹ These articles and others will be reprinted in Yitzhak Benbaji and Naomi Sussmann, eds., *Reading Walzer: Sovereignty, Culture, and Justice* (London: Routledge, forthcoming).
- ² Christian Wolff, *Jus gentium methodo scientifica pertractatum* [1749], trans. Joseph H. Drake (Oxford: Clarendon Press, 1934), para. 16, quoted in Charles R. Beitz, “The Moral Standing of States Revisited,” this issue, p. 329.
- ³ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2006 [1977]), p. 61.
- ⁴ Wolff, *Jus gentium*, paras. 252–58, quoted in Beitz, “Moral Standing,” p. 330.
- ⁵ Walzer, *Just and Unjust Wars*, p. 101
- ⁶ See references in Beitz, “Moral Standing,” p. 345, nn. 1, 2.