

November 22, 2009
IR462: Introduction to International Political Theory
Anna Kalashyan

Does Michael Walzer distinguish sufficiently between state, nation and political community in his defense of the norm of non-intervention?

Walzer's account of justice is radically pluralistic in nature. For the scholar, justice is "the creation of a particular political community"¹ at a specific period of time and is determined by the shared understandings about the social meanings of the goods whose distribution is potentially in dispute. However, Walzer's thesis is about something more than distributive justice. By advancing a theory of international aggression and non-intervention in his *Just and Unjust Wars*, the scholar establishes the "legalistic paradigm" which advances a moral order among independent states based on the analogy of civil order within distinct political communities. Invoking the analogy of states and individuals, Walzer argues that "the members of a political community must seek their own freedom, just as the individual must cultivate his own virtue," and, therefore, the recognition of sovereignty and the principle of non-intervention is the only way guaranteeing an arena within which freedom can be fought for and won.² A lot of scholars have questioned the plausibility of Walzer's "domestic analogy" focusing on the tension between the cosmopolitan, rights-based foundation of the "legalist paradigm," and the "statist" character of that argument. This paper's intention is to draw attention to a more fundamental point, namely that the tensions and inconsistencies in Walzer's thinking reflect his complex multi-level account of community which do not altogether cohere. By examining the scholar's understanding of state, nation and political community, the paper seeks to address the fundamental question whether the community of shared meanings is also the sovereign nation-state in Walzer's paradigm. Importantly, my argument will reflect the scholar's attempt to pursue the theme of non-intervention and national self-determination further since the end of Cold War illustrating the evolution of his thinking about the threshold for humanitarian intervention.

Walzer's original rules for non-intervention to a certain extent derive from John Stuart Mill's doctrine of state autonomy and state responsibility. Mill argues against intervention even in states that lack free institutions on the ground that people have a right to achieve freedom for themselves since only "during an arduous struggle to become free by their own efforts that these virtues have the best chance of springing up."³ Walzer embraces Mill's assertion that "we are to treat states as self-determining communities, whether or not their internal political arrangements are free, whether or not the citizens choose their government and openly debate the policies carried out in their name."⁴ For both Mill and Walzer, the undemocratic as well as illiberal or tyrannical

¹ Miller, D. & Walzer, M. (1995). "Extract" from Miller, David & Walzer, Michael, *Pluralism, Justice and Equality*, p. 2

² Walzer, Michael. (2000). *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books, p. 88

³ Ibid, p. 87

⁴ Ibid

governments, which deny their citizens their basic political and social freedoms, still possess the right of political sovereignty. This right is suspended only when a government engages in the “enslavement or massacre” of its own citizens. Walzer's perception of “massacre” is clearly and effectively illustrated by reference to cases such as the Nazi holocaust and the Pakistani government's systematic massacre of its own people in 1971. Under these circumstances, the government forfeits its rights and other states gain a right of “boundary crossing” or humanitarian military intervention. Walzer's understanding of “enslavement” is more vague. Based on the only example brought up by the scholar, namely, the Spanish government's 1898 policy in Cuba, it can be established that in his understanding it incorporates a government's forced resettlement of large masses of people.⁵

The cases in which a state engages in the massacre or forced resettlement of its people constitute one of three sorts of exceptions suggested by Walzer to his “legalist paradigm.” The other two exceptions are: cases of counter-intervention in which one state has already intervened, and a second state gains a right of counter-intervention to balance the force of the first, and cases of “secession” where there are really two or more political communities within one territory and one of which is “already engaged in a large-scale military struggle for independence.”⁶ Humanitarian military intervention can be morally justified only in the above-mentioned sorts of cases. Importantly, Walzer's theory arguably can be deeply implausible in cases in which “extremely tyrannical states do not exhibit any of the exception conditions.”⁷ However, I cannot develop this critique at length here, due to space constraints.

Both in *Just and Unjust Wars* and *Spheres of Justice* Walzer attempts to provide an explanation to the precise nature of collective entitlement to determine “their own affairs.”⁸ Walzer's “legalist paradigm” raises critical questions about the political unit or bearer of the rights of sovereignty and territorial integrity, however at the same time, it obscures important distinctions between the radically different terms on which individuals and groups are able to participate in, or influence, the life of a particular society. Walzer's understanding of community might seem impossible to distinguish from the characteristics of such concepts as “nation” or “state,” however it will become clearer as I proceed. In his attempt to explain the moral foundation and the nature of the bearer of rights of political sovereignty and territorial integrity, the scholar surprisingly does not explore the history of formation of the Westphalian international system which established “the idea of bounded community and exclusive territorial jurisdiction.”⁹ In fact, Walzer's theory is based on the notion of “contract” or “consent of a special sort.” He asserts that the right of an established government to political sovereignty derives from its claim to “protect from external encroachment” what Walzer calls “the common life” or “independent community” which a people has shaped over a long period of

⁵ Ibid, p. 102

⁶ Ibid, p. 90

⁷ Doppelt, G. (1978). Walzer's Theory of Morality in International Relations. *Philosophy and Public Affairs* 8 (1), p. 7

⁸ Walzer, M. (1983). *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books

⁹ Blaney, D. & Inayatullah, N. (2000). The Westphalian Deferral. *International Studies Review* 2 (2), p. 30

time.¹⁰ According to this approach, the rights of a state rests on the consent of its members which is not hypothetical (as it is for Rawls) but rather refers to an actual social process of individual participation in building or sustaining a common life.

The consent “is a metaphor for a process of association and mutuality” in which individuals collectively make a common life through “shared experience and cooperative activity of many kinds.”¹¹ This process further creates an “independent community” with a right to exist free from foreign interference. Therefore, it follows from this point that through the exercise of their individual rights to life and liberty, individuals conjointly establish a collective life to which they then have a sort of “collective” right to preserve or alter it independently of external intervention. For Walzer, it is the consent of the individual citizens that provides the underpinnings of the state’s autonomy and secures the analogy with individual liberty. But the right of states to territorial integrity and political sovereignty is still difficult and controversial to determine based on the idea of the consent. Is it the political community or the nation-state which posses the rights of political sovereignty?

In order to comprehend the complexity of the argument being advanced by Walzer, it is necessary to acknowledge that the scholar tacitly offers two narratives of community. Drawing from William Galston’s useful dichotomy of moral/legal community, this paper argues that Walzer’s account of community is dubious as well as multi-dimensional. On the one hand, Walzer identifies the political community with the people or nation in which “individuals are conjoined in their shared understanding of social goods.”¹² The scholar’s assumption is that questions of justice always arise within “bounded political communities.”¹³ In the national political community, which is characterized as “richly referential, culturally resonant, locked into a locally established symbolic system and network of meanings”¹⁴ a special emphasize is placed upon the community’s rules governing membership since “being a member implies a special communal bound and moral obligation.”¹⁵ Indeed, there will be no social goods with shared meanings to distribute unless we begin from a society with determined membership. Interestingly, in *Spheres of Justice* Walzer claims that “men and women without membership anywhere are stateless persons,” which implies the necessity of political institution such as the state (in modern international society) to maintain the boundaries between the spheres of distribution and membership.¹⁶ This brings me to the second, “legal” interpretation of political community “in which individuals come together through specific acts of consent

¹⁰ Walzer, Michael. (2000). *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books, p. 54

¹¹ Ibid

¹² Galston, W. (1989). Community, Democracy, Philosophy: The Political Thought of Michael Walzer. *Political Theory* 17 (1), p. 120

¹³ Walzer, M. (1983). *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books, p. 30

¹⁴ Walzer, M. (1994). *Thick and Thin: Moral Argument at Home and Abroad*. Notre Dame, IN: Notre Dame University Press, p. xi

¹⁵ Blaney, D. & Inayatullah, N. (2000). The Wesphalian Deferral. *International Studies Review* 2 (2), p. 50

¹⁶ Avineri, S & de-Shalit, A eds. (1992). *Communitarianism and Individualism*. New York: Oxford University Press, p. 64

that create and delimit sovereign authority.”¹⁷

In *Spheres of Justice* Walzer seems to maintain that to some extent the political community of shared meanings and the sovereign nation-state are congruent. However, in the subsequent essays, specifically in his response to Luban’s cosmopolitan critique, he makes it clear that “the real subject of the argument is not the state at all but the political community that usually underlies it.”¹⁸ He continues this line of thought in *Arguing About War*, stressing that “the state is nothing more than an instrument of the community, a particular structure for organizing collective action that can always be replaced by some other structure,” whereas the political community is a “bounded world of men, women, and children living in a certain way, and its replacement would require either elimination of the people or the coercive transformation of their way of life.”¹⁹ Based on the distinction provided by the scholar, Nancy Rosenblum concludes that “it is the membership in the community that Walzer values the most and not simply citizenship in the state.”²⁰

Despite the fact that the notion of political communities is central to Walzer’s argument in defense of the norm of non-intervention, he does not provide a theoretical or philosophical account of community. For the scholar, community is not simply about formal citizenship but shared social meanings. However, Walzer’s most direct examples of community are historical ones such as the Athens and the Jewish community in Eastern Europe during the Middle Ages in which the society was not structurally differentiated, more importantly, neither of them was a state. On the one hand, the fact that the scholar refers to pre-Westphalian communities sets the stage for refuting the widespread critique of his allegedly “statist distortion of nationalism.”²¹ On the other hand, his historical account of pre-modern international systems challenges his own fundamental theoretical assumptions about the characteristics of political communities. Unlike the classical social theorists, such as Hobbes, Locke, Rousseau, and Hegel who advanced incompatible theories but still shared a belief that some form of “common life,” common traditions, customs, interests, history, institutions, and boundaries was not sufficient to generate a genuine, independent, legitimate political community, Walzer develops a criterion for independent political community that is supposed to depend on “actual consent” and perhaps people’s actual political loyalties and subjective national identities.²² This picture inherently ignores two crucial developments that took place as a result of the shift from feudalism to the Westphalian system of sovereign states. Barry Buzan and Richard Little make a compelling argument about the role of capitalism and nationalism in the process of formation of the new unit. First of all, they effectively contend that “the increasing pressure of capitalism and industrialization extended

¹⁷ Galston, W. (1989). Community, Democracy, Philosophy: The Political Thought of Michael Walzer. *Political Theory* 17 (1), p. 121

¹⁸ Walzer, M. (1980). A Moral Standing of States: A Response to Four Critics. *Philosophy and Public Affairs* 9 (3), p. 210

¹⁹ Walzer, M. (2004). *Arguing about War*. London: Yale University Press, p. 49

²⁰ Rosenblum, N. (1984). Review: Moral Membership in a Post liberal State. *World Politics* 36 (4), p. 585

²¹ Barry, B. (1999). Statism and Nationalism: A Cosmopolitan Critique in Shapiro, I & Brilmayer, L, eds., *Global Justice*. New York: New York University Press, p. 31

²² Doppelt, G. (1978). Walzer’s Theory of Morality in International Relations. *Philosophy and Public Affairs* 8 (1), p. 19

compact between capital and coercion that lay at the hearth of the modern state.”²³ This economic reality has affected all aspects of modern societies, including the process of rationalizing economic and political institutions that dominate the nation-state. Following from this point, Buzan and Little describe the invention of “nationalism as an ideology of the state that transformed the people from subjects into citizens.”²⁴ If we were to adopt a more radical, modernist view that describes “nationalism as a kind of instrumental ideology that both facilitates and reflects the development of modern economies,”²⁵ the most crucial criteria of Walzian political communities such as territorial integrity and political sovereignty would be fairly attributed to the modern state instead.

This paper has attempted to evaluate Walzer’s theory of aggression and non-intervention within the framework of the scholar’s ambiguous interpretation of political communities. In his earlier work, specifically in *Just and Unjust Wars* and *Spheres of Justice*, he argues that “the state is constituted by the union of people and government and it is the state that claims against all other states the twin right of territorial integrity and political sovereignty.”²⁶ In this vein, he advances a theory of non-intervention, which derives from opposition to imperial politics and commitment to self-determination. In his later writings, Walzer’s revision to the absolute rule of nonintervention does not fully reflect the intrinsic value he used to place on communal autonomy. He spells out more explicitly the distinction between political communities and states suggesting that “non-intervention is not an absolute moral rule, hence the practice of humanitarian intervention is morally necessary whenever cruelty and suffering are extreme and no local forces seem capable of putting an end to them.”²⁷ Furthermore, in a recent consideration of the issue, the scholar lowers the threshold for humanitarian intervention and recognizes that self-determination is a contingent value. He asserts that “in the face of terror and massacre, we have an obligation to stop the killing when we can.”²⁸ However, despite the fact that Walzer has revised the rule of non-intervention in the context of current internal crises that challenge the very notion of borders and demonstrate the absence of “fit” between people and the state, the fact that he still did not sufficiently elaborate on a crucial question, namely, what will happen to standards of territoriality and sovereignty, if/when the political arrangements acquire a different structure other than the state. Given the complexity and multi-dimensional character of Walzer’s account of political communities, the scholar would need to develop more sufficient theoretical guidelines to distinguish genuine political community from a modern state.

²³ Buzan, B. & Little, R. (2000). *International Systems in World History: Remaking the Study of International Relations*. New York: Oxford University Press, p. 252

²⁴ Ibid

²⁵ Gellner, E. (1983). *Nations and Nationalism*. Ithaca, NY: Cornell University Press, p. 34

²⁶ Walzer, M. (1980). A Moral Standing of States: A Response to Four Critics. *Philosophy and Public Affairs* 9 (3), p. 212

²⁷ Walzer, M. (2004). *Arguing about War*. London: Yale University Press, p. 69

²⁸ Ibid, p. 81