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Human Rights Policy and International Relations: Realist Foundations Reconsidered

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Human Rights Policy and International Relations: Realist Foundations Reconsidered

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*it is noteworthy that the attempt to deny the relevance of ethical standards to international relations has been made almost exclusively by the philosopher, not by statesman or the man in the street.**

I. Introduction: Putting human rights and international relations into context

The promotion of human rights can be discussed mainly at two levels. The first one is the domestic political system, where a struggle for legal recognition and effective protection and implementation of universally recognized human rights has been taking place. The development of civil and political rights dating from the 18th century and social and economic rights from the 19th and 20th centuries followed more or less the same pattern in Western Europe first and then, the rest of the world. Starting from the establishment of the United Nations, the promotion of human rights has made its way into the interstate relations and gained an international dimension as well.¹

The concern for and promotion of human rights has increasingly assumed an international dimension in the post-War period.² The Westphalian principles are not the only values

* Edward Hallett Carr, *The Twenty Years' Crisis, 1919-1939* (New York: Perennial, 2001), p.154.

¹ Stanley Hoffmann, "Reaching the Most Difficult: Human Rights as a Foreign Policy Goal", *Daedalus*, (Vol. 112, No. 4, Fall 1983), p.19.

² The tendency to take the post-War era as the start of internationalization of human rights is shared by most of the scholars writing on the subject. For a brief account of the evolution of human rights as an issue area in international relations see: Jack Donnelly, *International Human Rights* (Boulder; Westview Press,

advanced by the UN Charter. To be sure, the Charter also mentions human rights among the purposes of the organization, along with the maintenance of international peace and security, and a growing body of human rights regime has accumulated since the enactment of the Charter. This trend is best reflected in the UN Universal Declaration of Human Rights, the two UN Covenants and other universal and regional Human Rights Conventions and mechanisms. As a result of the development of such a normative international order, and increasing pace of interdependence and globalization eroding the traditional distinctions between domestic and international affairs, coupled with the activities of powerful NGOs, the issues of human rights have found their way into international politics. Consequently, there emerged a body of legal norms and mechanisms as well as political instruments, ranging from human rights diplomacy to humanitarian intervention and international war crimes tribunals, which regulate the governments' treatment of their citizens.³ Though very fragile, they provide a ground to put the domestic conduct of the governments under the scrutiny by individuals, domestic and international non-governmental organizations, other states and international organizations. Despite the tension to be discussed below, human rights –especially the violation of them- has become a legitimate concern to the international society, a process which has been provided with added impetus in the post-Cold War era.⁴

The end of the Cold War and the emerging international system were characterized by the increasing possibilities for international cooperation, especially at a time where destabilizing effects of the end of the Cold War have increased the need for international protection and promotion of human rights. Growing activities on the part of secessionist and nationalist movements created a growing need for the protection of human and

1998), pp.3-17; nonetheless one has to bear in mind precursors of this policy in the period before World War II. For instance, the activities of the Red Cross in bringing about the Geneva Convention, and Anti-Slavery League to persuade states to abolish slavery. Kathryn Sikkink, "The Power of Principled Ideas: Human Rights Policies in the United States and Western Europe," in Judith Goldstein and Robert O. Keohane, *Ideas and Foreign Policy* (Ithaca: Cornell University Press, 1993), p.146.

³ For a succinct account of global, regional, and single-issue human rights regimes, see: Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 2003), pp.127-54; for the implementation mechanisms of human rights standards, also see: David P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2000), pp.55-213.

⁴ Ihsan Dagi, "Human Rights, Foreign Policy and the Question of Intervention," *Perceptions* (Vol. VI, Number 2, June-August 2001), pp.105-119.

particularly minority rights. Against this setting, the emerging multi-centric international system and a global wave of democratization have enabled human rights groups to mobilize liberal states and international organizations to incorporate the promotion of human rights into their agenda. This process was also reinforced and complemented by the expanding ideas in the post-Cold War era that the traditional norms of sovereignty and non-intervention cannot be interpreted in their absolute sense and therefore the international community may override these norms under certain conditions. The widely-cited Vienna Declaration (1993) adapted by the UN World Conference on Human Rights, thus, stated that the protection and promotion of human rights is the primary responsibility of governments and a legitimate concern of the international community.

Nonetheless, the reality remains there. Although respect for human rights is a stated concern of the international community and an international system for protection of human rights has been set up, its implementation and enforcement is far from being effective. Despite the attempts towards international standard setting, the violations of basic human rights are still the case on many parts of the globe. Similar to the weakness of other international regimes in general, this emerging body of international human rights regime still lacks effective and consistent enforcement mechanisms. In response to this picture, there is a growing belief that inclusion of human rights concerns into foreign policy making of individual states will contribute to the betterment of the status of human rights globally, especially to more effective implementation of the existing human rights regimes. Since progress toward fulfillment of human rights is to a large extent conditional upon the compliance of the states to the internationally agreed norms, in the absence of domestic dynamics for change, the external pressure put on the governments by the international community remains a suitable avenue available to advance human rights.

That said, the process of internationalization of human rights, even in the form of a middle way solution of incorporating human rights into traditional mechanisms of foreign policy, is far from being completed. We are still confronted with numerous impediments to this development. At international level, sovereign nation states still have the biggest say for setting the agenda of international relations, including the place to be given to

human rights concerns. Hence, states and their foreign policies are the main determinant of internationalization of human rights, and they are not easily giving in to the demands for following human rights oriented foreign policies.

'Inescapable tension...'

Foreign policy has been traditionally assumed to be taking place in the sovereign states' external realm, where they interact with their sovereign counterparts in order to ensure their survival and advance national interests. The prospective place that normative and ethical concerns, such as the promotion of human rights conditions abroad, have in foreign policy has been a subject of a long standing debate in international relations. There is a widely-shared belief among students of international relations that the incorporation of human rights issues into the existing framework of international relations poses some theoretical, normative and practical difficulties due to its incompatibility with the established norms and practices of modern international system.

Thus, traditionally foreign policy and human rights have been at unease with each other. As expressed by R. J. Vincent in his seminal book, *Human Rights and International Relations*, "there is an inescapable tension between human rights and foreign policy."⁵ Similarly, Stanley Hoffmann puts it as a tension "between the international normative and political orders."⁶ The uneasy relationship between the promotion of human rights at international level and the main tenets of the current international system, hence, is a well-known one and has been debated among the students of international relations, as well as scholars of international law, and political theory.

Not only is this troubled depiction of the interplay between human rights and foreign policy a result of the practical difficulties of following a human rights oriented policy, but it is also very much related to theorizing about international relations. For theories are both attempts to explain the reality out there and the models to be applied to the reality. In this sense theories are not mere abstractions of outside world; rather they guide

⁵ R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), p. 129.

⁶ Hoffmann, "Reaching...", p. 23.

practitioners and policymakers in formulating their decisions in concrete situations. The dominant approach in the post-War international relations academia was political realism. The supreme position enjoyed by the realist school was further strengthened by the interpenetration between the realist theorists and policymakers in foreign offices, especially in the US, where the study of international relations received a growing attention.⁷ The minds of the practitioners were shaped by realist assumptions for a long time and realism still commands a wide allegiance among policymakers.

The basic assumptions of the realist paradigm on the role of morality, epistemology, ontology of international system, and agency in international system on the one hand and such realist conceptualizations as domestic analogy/morality of state, 'inside/outside' distinction, high politics versus low politics, national interest, security dilemma and self-help on the other stand as one of the major reasons behind the neglect of human rights concerns in international relations. It suffices to remember here that in such a conceptualization of international relations let alone human rights concerns, even issues like international economic/trade relations and environmental problems are pushed at the bottom of states' foreign policy agenda, which is essentially meant to advance the national interests, and which is understood as a state's interaction with its external environment through a process of policy formulation under domestic and external conditions.

Therefore, I argue that the neglect of human rights concerns in foreign policy is very much related with the basic assumptions of the mainstream realist paradigm. Here, my starting point is similar to that of Charles Beitz, who maintained that "any attempt to lay the groundwork for normative international political theory must face the fact that there is a substantial body of thought, often referred to as 'political realism,' that denies this possibility [of a normative international political theory]."⁸ Hence, I will try to explore the place of promoting human rights through foreign policy within a realist framework. In

⁷ Miles Kahler, "Inventing International Relations: International Relations Theory After 1945," in Michael W. Doyle and G. John Ikenberry (editors), *New Thinking in International Relations Theory* (Boulder, CO: Westview Press, 1997), p.26.

⁸ Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979), p.13.

so doing, I won't engage in a discussion into the type of different human rights policies,⁹ and the arguments against or for human rights oriented foreign policy.¹⁰ Nor do I focus on the means or practical difficulties of following such a policy. I will mainly discuss the basic tenets of realism and speculate on what obstacles those founding principles might pose to a 'human rights policy,' by which I mean the states' deliberate attempts to advance the position of human rights in other countries. I will present how realist assumptions may hinder the promotion of human rights issue, but I will stop short of providing the critiques raised against those realist arguments. In so doing, given the limited space spared to the discussion of moral issues by Kenneth Waltz, I will further confine myself, and take issue primarily with what is now called classical or political realism. Moreover, the primary sources I draw on are from the hybrid literature between political theory and international relations theory, which accumulated in the 1970s and 1980s at a time when the political and theoretical debate about the relationship between morality and international affairs gained prominence. This body of literature may seem somewhat outdated, but it provides the most vigorous treatment of the subject. This to a large extent neglects the post-Cold War literature, as well as theoretical discussions, because, after a tacit approval for the place of human rights in international relations, partly under 'the liberal internationalist moment' in international relations, the substance of the debate in this period mainly shifted to the proper place of human rights.

II. Realist tenets reconsidered

1- Realism and Morality

Given that promoting human rights constitutes one of the issues of morality in international affairs, looking at how realism deals with morality would be the right point to start our analysis.

Realists tend to see a dilemma between international affairs, which is supposed to be a realm of power politics, and international morality. It is not because morality is

⁹ For a typology of human rights policies, see: Sikkink, op.cit., pp.142-5.

¹⁰ On this point, see: Stanley Hoffmann, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse, New York: Syracuse University Press, 1981), pp. 108-20.

necessarily problematic in itself; rather it sits uncomfortable with realist assumptions. As a result, moral considerations were excluded systematically from the scope of international relations, and it was emphasized that morality did not belong to foreign policy.¹¹ This was shared by modern realists and neorealists, as well as their classical ancestors. Even it can be said that in neglecting morality, structural realism developed by Kenneth Waltz went far beyond Morgenthau's classical realism.¹² The neglect of morality in the study of international relations was emphasized by Halliday in a cynical way; there is no discussion of morality at all in many of the textbooks of international relations.¹³ Similarly Beitz also underlines that "it has been impossible to make moral arguments about international relations to its American students without encountering the claim that moral judgments have no place in discussions of international affairs or foreign policy," which is the foundation of the realist approach to foreign policy. Hence, "the realists' skepticism about the possibility of international moral norms has attained the status of a professional orthodoxy in both academic and policy circles, accepted by people with strong moral commitments about other matters of public policy."¹⁴

Delving deeper into why realists came to conclude that morality and international affairs are in tension with each other, we see that their basic principles were not compatible with morality as popularly understood. First of all, most of the realists adopted a *pessimistic understanding of human nature*, as human beings had always a tendency to evil – remember Niebuhr's version of realism.¹⁵ This was further strengthened by a distinction common among the realists; *group behavior vs. individual behavior*, or *public morality and individual morality*.¹⁶ As I will elaborate further below, this distinction was mainly justified on the basis that states were living in a state of nature where each state was

¹¹ Hugh C. Dyer, *Moral Order/ World Order* (London: Macmillan Press Ltd, New York, 1997), p. 44; Vincent also underlines that "there is no obvious connection between human rights and foreign policy." "Introduction," R. J. Vincent (editor), *Foreign Policy and Human Rights* (Cambridge: Cambridge University Press, 1986), p.1.

¹² Frances V. Harbour, *Thinking about International Ethics*, (Colorado: Westview Press, 1999), p.21.

¹³ Fred Halliday, "Morality in International Affairs: a Case for Robust Universalism," in Bill McSweeney (editor), *Moral Issues in International Affairs* (New York: Macmillan Press Ltd., 1998), p. 22.

¹⁴ Beitz, op.cit., p.15.

¹⁵ Dyer, op. cit., p. 42; Reinhold Niebuhr, *Christian Realism and Political Problems* (New York: Charles Scribner's Sons, 1953).

¹⁶ Dyer, op. cit, p. 44

trying to ensure its own survival. In this anarchical international system, since the main motive is survival, states are expected to accumulate power, so that international relations was the domain of power and self-help while domestic politics involves law and some play for morality.¹⁷ Hence, a statesman could not follow the same moral principles as in his individual life.¹⁸

Besides these assumptions, the neglect of morality was also a result of realist epistemology and its history.

Realist epistemology

Realists followed positivist epistemology, from which they inherited some dichotomies, such as motives and values vs. theoretical and practical reasoning, fact vs. value, values vs. interest, justice vs. order, and ethics vs. politics.¹⁹ Moreover, as among other positivists, the idea of ‘value-free science’ was shared by realists as well. Then international relations was studied systematically in a way to exclude the values, which resulted in a situation where they dealt with what ‘it is,’ rather than what ‘it should be.’²⁰ Since they think that the real world consists of power politics, the aim of the international relations is to study this reality out there, rather than studying abstract values such as human rights. Morgenthau reflects this in describing the tenets of political realism: After assigning the central explanatory role to the concept of interest defined in terms of power, he goes on arguing that “what is important to know, if one wants to understand foreign policy, is not primarily the motives of a statesman, but his intellectual ability to comprehend the essentials of foreign policy, as well as his political ability to translate what he has comprehended into successful political action. It follows that while ethics in the abstract judges the moral qualities of motives, political theory must judge the political qualities of intellect, will and action.”²¹

¹⁷ Halliday, op. cit., p. 23.

¹⁸ Hoffmann, *Duties...*, p.18.

¹⁹ Dyer, op. cit., p. 63

²⁰ Dyer, op.cit., pp. 59-60, p.35,39

²¹ Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace* (New York: Knopf, 1978- 5th ed.), pp.6-7.

Moreover Morgenthau reveals his concern for studying what 'is', rather than what 'ought to be' when he criticizes those "writers [who] have put forward moral precepts that statesmen and diplomats ought to take to heart in order to make relation between nations more peaceful and less anarchic, such as... But they have rarely asked themselves whether and to what extent such precepts, however desirable in themselves, actually determine the actions of men."²²

Similarly, the assumption of rationality is another key feature of realism. Having acknowledged that "political realism contains not only a theoretical but also a normative element," Morgenthau underlines that "political realism considers a rational foreign policy to be a good foreign policy; for only a rational policy minimizes risks and maximizes benefits and, hence, complies both with the moral precept of prudence and the political requirement of success."²³ It goes without saying here that, as far as the concern for having a value-free science, and assigning rationality a central place goes, Waltz's neorealism, in a quest to have a scientific, behavioralist theory of international politics, goes far beyond that of Morgenthau.

In short, if we are looking for scientific knowledge of international relations in the form of lawlike generalizations with predictive power, realism tells us that we are unlikely to advance our understanding of international relations by deriving our hypotheses from moral rules appropriate to individual behavior.²⁴ Thus, as I indicated above, let alone acknowledging a place for human rights concerns in foreign policy, even the study of morality was left out of the IR curriculums.

Realism vs. idealism; or international politics as study of power.

As to the effects of its history, we have to explore the fact that realism developed as a reaction to, or defined itself vis-à-vis, idealism, moralism or absolutism, -however one calls this earlier tradition- of the interwar period.²⁵ Therefore, realists argue that they

²² Morgenthau, *Politics...*, p.236.

²³ Morgenthau, *Politics...*, p.8.

²⁴ Beitz, *op.cit.*, p.20.

²⁵ For a cautious approach to the realists' critique of interwar IR scholarship, see: Kahler, *op.cit.*, pp.23-27.

aren't amoral; rather they are against the type of moralism championed by idealists, which prioritized moral concerns over political realities. They rejected idealist set of moral principles divorced from political reality, which, according to realists, neglected power politics and national interest.²⁶ And this defense of 'abstract moral principles' by idealism was seen the main reason that drove the world into the disastrous consequences of the World War II. Moreover they underlined that this moralist approach had ignored the basic principles of political sphere, and tried to subordinate it to ethical or legal standards of thought. Hence, to avoid the repeat of such a disaster they emphasized power politics as the main dynamics of international relations. They argued that the concerns for morality should be secondary to concerns for power politics, and that politics should be studied on its own terms independent from other disciplines.

For instance, Morgenthau argues for the autonomy of the political sphere, and tries to differentiate it from the study of morality. Whereas a moralist is expected to ask whether a given policy is in accord with moral principles, a political realist should ask how this policy affects the power of the nation. Because he was uncomfortable with other schools of thought imposing standards upon political sphere, he therefore takes issue with the 'legalistic-moralistic' approach to international politics, by which he means interwar idealism.²⁷

Therefore, almost without any exception, all classical realists, including Carr, Morgenthau, and Herz, assigned a primary role to power politics among states, and treated it as the key to understanding international politics. It is interesting to note that even Carr's notion of politics goes as far as confining politics to issues "involving a conflict over power."²⁸ Similarly, Morgenthau's understanding of power implies that activities "undertaken without any consideration of power," and not affecting "the power of the nation undertaking them" are not of a political nature.²⁹ Therefore, he concludes that "international politics is of necessity power politics," and that "struggle for power is

²⁶ Carr, op.cit., pp.96-97; 146-7.

²⁷ Morgenthau, *Politics...*, pp.12-14.

²⁸ Carr, op.cit., p.102.

²⁹ Morgenthau, *Politics...*, pp.29-30.

universal in time and space and is an undeniable fact of experience.”³⁰ Nonetheless, when it comes to the relation between power and morality, Carr takes a different position than Morgenthau, because he endeavors to find a right balance between pure realism and pure idealism. He writes “politics cannot be divorced from power. But the *homo politicus* who pursues nothing but power is as unreal a myth as the *homo economicus* who pursues nothing but gain. Political action must be based on co-ordination of morality and power. The truth is of practical importance as well as theoretical importance. It is as fatal in politics to ignore power as it is to ignore morality.”³¹ Nonetheless when it comes to the relation of morality to power, after stating that “harmony in the national order is achieved by this blend of morality and power,” he admits that “in the international order, the role of power is greater and that of morality less.”³²

On the other hand, far from breaking apart with the political realism on that issue, neorealist scholars maintained the primacy of power politics. Whereas Morgenthau’s version of political realism rested on the untenable foundations of human nature as the source of the quest for power, as underlined by Buzan,³³ neorealists reaffirmed the logic of power politics on the firmer foundations of anarchic structure. What this realist notion of international relations as power politics implies for human rights will be further elaborated in the subsequent sections.

Realist morality

As I underlined, realists don’t claim to have developed totally amoral principles. Rather they think theirs are a different set of moral principles, and this is the correct way to understand the problematic relationship between ethics, human nature and the international system when compared to idealism. The realist vision of morality calls on the statesmen to promote and protect the interest and lives of their fellow citizens, rather than seeking the realization of some obscure, abstract notions of universal morality. Aron

³⁰ Morgenthau, *Politics...*, pp.35-36.

³¹ Carr, *op.cit.*, p.97; he also notes that “neither the realist view that no moral obligations are binding on states, nor the utopian view that states are subject to the same moral obligations as individuals, corresponds to the assumptions of the ordinary man about international morality.” p.154.

³² Carr, *op.cit.*, p.168; this somehow relates to order vs. justice issue to be further discussed below.

³³ Barry Buzan, “The timeless wisdom of realism?”, in S. Smith, K. Both, M. Zalewski (editors), *International Theory: Positivism & Beyond* (Cambridge: Cambridge University Press, 1996), p.49.

puts this point literally: ‘no prince is entitled to make his country the Christ among nations’.³⁴ This is so because, as underlined so far, and as will be discussed further below, international politics is a struggle for survival, which dictates prudence and self-preservation as the highest moral goal. Hence, critiques of realism are right in defining realist morality as a community oriented ethics, which is meant to maintain the community. It is a conception of ethics “in which outside the community are basically left to do as best they can.”³⁵ Therefore the statesmen are above all responsible toward their own populace and are expected to advance their well-being. George Kennan can be seen as the best example of this point as both an academics and policymaker.³⁶

He argues that “let us recognize that the functions, commitments and moral obligations of governments are not the same as those of the individual. Government is an agent, not a principal. Its primary obligation is to the *interests* of the national society it represents, not to the moral impulses that individual elements of that society may experience. No more than the attorney vis-à-vis the client, nor the doctor vis-à-vis the patient, can government attempt to insert itself into the consciences of those whose interests it represents.”³⁷

This is again strengthened by the distinction between individual and state morality. Whereas sticking to moral and ethical principles as an individual would be an altruistic and acceptable form of action for a statesman, prudence requires statesmen to avoid following this same set of moral conduct, and to adopt a different notion of morality when it comes to his political actions.³⁸ Kennan again provides a good example of this way of thinking: “morality, then, as the channel to individual self-fulfillment –yes. Morality as the foundation of civic virtue, and accordingly as a condition precedent to successful democracy –yes. Morality in governmental method, as a matter of conscience and preference on the part of our people –yes. But morality as a general criterion for the

³⁴ quoted by Harbour, op. cit., p.32.

³⁵ Harbour, op. cit., p. 199.

³⁶ see, Tony Evans, *US Hegemony and the Project of Universal Human Rights* (New York: Macmillan Press Ltd, 1996), p. 162.

³⁷ George F. Kennan, “Morality and Foreign Policy,” *Foreign Affairs* (Vol.64, No.2, Winter 1985/86), pp.205-6, emphasis in original.

³⁸ This is traced by realists to Reinhold Niebuhr (1932), *Moral Man and Immoral Society* (reprinted: MacMillan Publishing Company, 1983).

determination of the behavior of states and above all as a criterion for measuring and comparing behavior of different states –no. Here other criteria, sadder, more, limited, more practical, must be allowed to prevail.”³⁹

Therefore he goes as far as embracing the necessity of amorality, a point which he later makes more explicitly: “The interests of the national society for which government has to concern itself are basically those of its military security, the integrity of its political life and the well being of its people. These needs have no moral quality. They arise from the very existence of the national state in question and from the status of national sovereignty it enjoys. They are the unavoidable necessities of national existence and therefore are subject to classification neither as ‘good’ or ‘bad’.”⁴⁰

Going back to Machiavelli, one can trace the impact of not only amorality, but also immorality. I will let him speak for himself: “It is not, therefore, necessary for a prince to have all the above-named qualities, but it is necessary to seem to have them. I would even be bold to say that to possess them and always to observe them is dangerous, but to appear to possess them is useful. Thus it is well to seem merciful, faithful, humane, sincere, religious, and also to be so; but you must have the mind so disposed that when it is needful to be otherwise you may be able to change to the opposite qualities. And it must be understood that a prince, and especially a new prince, cannot observe all those things which are considered good in men, being often obliged, *in order to maintain the state*, to act against faith, against charity, against humanity, and against religion. And, therefore, he must have a mind disposed to adapt itself according to the wind, and as the variation of fortune dictate, and, as I said before, not deviate from what is good, if possible, but be able to do evil if constrained.”⁴¹ In his treatment of the differences between individual and state morality, Carr also hints at a similar reasoning. “He [the ordinary man] expects from the group person certain kinds of behavior which he would

³⁹ George F. Kennan, *Realities of American Foreign Policy* (Princeton: Princeton University Press, 1954), p.49.

⁴⁰ Kennan, “Morality...,” p.206.

⁴¹ Niccolo Machiavelli, *Prince* (1532), XVIII, p.65; emphasis mine.
http://www3.baylor.edu/~Jesse_Airaudi/princeviii.htm.

definitely regard as immoral in the individual... Acts which would be immoral in the individual may become virtue when performed on behalf of the group person.”⁴²

A similar division between individual and state morality can also be found in Morgenthau. In fact, his fourth tenet says “political realism is aware of the moral significance of political action.” But “it is also aware of the ineluctable tension between the moral command and the requirements of successful political action. Realism maintains that universal moral principles cannot be applied to the actions of states in their abstract universal formulation, but that they must be filtered through the concrete circumstances of time and place. The individual may say for himself: ‘*Fiat justitia, pereat mundus* (Let justice be done, even if the world perish),’ but the state has no right to say so in the name of those who are in its care.... There can be no political morality without prudence; that is, without consideration of the political consequences of seemingly moral action. Realism, then considers prudence –weighing the consequences of alternative political actions- to be the supreme virtue in politics. Ethics in the abstract judges action by its conformity with the moral law; political ethics judges action by its political consequences.”⁴³

For in the struggle for power, the only valid political consequence is the moral principle of national survival.⁴⁴ A statesman who tries to follow his individual moral principles in world politics risks destroying the very moral principles that he intends to realize; i.e. protecting the interests and lives of citizens.⁴⁵ Therefore, going after some universal moral principles, other than seeking to increase the power of the state, contradicts with the prudent action expected from a statesman. And this critique can be extended to the

⁴² Carr, op.cit., p.159.

⁴³ Morgenthau, *Politics...*, pp.10-11; elsewhere he reemphasizes the difference between individual and state morality: “I stick to the fundamental principle that lying is immoral. But I realize that when you are dealing in the context of foreign policy, lying is inevitable. In private affairs, however, you do not deceive others, especially friends.” Hans J. Morgenthau, *Human Rights and Foreign Policy* (New York: Council on Religion and International Affairs, 1979), pp.10-11, quoted by Donnelley, op.cit., p.156; for a similar metaphor of individual or group sacrifice, see: Carr, op.cit., p.158.

⁴⁴ In that regard, realist notion of morality could be defined as consequentialist, besides its being community oriented.

⁴⁵ Harbour, op.cit., pp. 30,32; therefore Morgenthau devotes much of the chapter on *International Morality* to ‘the protection of human life,’ Morgenthau, *Politics...*, pp.237-48.

promotion of human rights abroad easily. Following policies to promote the rights and welfare of others is out of the duties of the states. Donnelley puts it bluntly “both academic realists and their brethren in foreign offices have therefore attempted to exclude moral concerns from foreign policy –or, where they have been excised, keep them excluded.”⁴⁶

However it must also be kept in mind that there is at least two different ways of interpreting this realist approach to morality. One way of looking at the issue, reflective of the popular image of ‘Machiavellian politics,’ is to argue that states are not bound by any moral principles whatsoever. Another way of approaching this problem is however is to see it as a matter of standards: which standards should be applied to judge the actions of the prince? The rulers are subject to certain rules, but those rules are different from moral rules private individuals are bound to observe. The rule ‘preserve the state’ ranks the first in the princes’ morality, and it provides sufficient justification to override the requirements of individual morality.⁴⁷

The distinction between individual and state morality is also interwoven with the differences in the ontology of domestic and international systems, to be discussed below. Realists tend to relate the realization of moral ends or justice to power and order; or in other words to state authority. For instance, Bull notes that “it is true that justice, in any of its forms, is realizable in a context of order.”⁴⁸ In Hobbes’ view, “where there is no common power, there is no law; where no law, no injustice. Force and fraud are in war the two cardinal virtues.”⁴⁹ So, the argument goes, because international relations is a realm of state of nature, lacking the order as it exists in domestic society, there cannot be the same moral rules that are applicable to the relations between the states. I will tackle this issue in greater length below.

⁴⁶ Donnelley, op.cit., p.156; in fact Kennan’s 1985/86 article quoted above can be seen as a challenge to growing calls for introducing human rights concerns into U.S. foreign policy.

⁴⁷ Beitz, op.cit., p.22.

⁴⁸ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1995), p.83.

⁴⁹ Hobbes, *Leviathan*, Book 1, Chp. 13, para.13, <http://www.bartleby.com/34/5/13.html>; he also says that “covenants without the sword, are but words, and of no strength to secure a man at all.”

Apart from the place of morality within the realism, one can observe another moral conceptualization in realism that grants a fictitious personality to state, which constitutes yet another important obstacle to human rights and which I am going to examine under a separate heading.

2- Morality of States: Membership in international system

The development of the idea of modern nation states during the transition from the Medieval to modern times involves an interesting process: the state was formulated in a way to have a moral identity and personality as distinct from the identity of the ruler or individuals that constitute the state. This was however a fictitious notion constructed for practical reason to explain the modern international law and system. In one of the best treatments of the subject, while discussing international morality, Carr underlines that “international morality is the morality of states. The hypothesis of state personality and state responsibility is neither true nor false, because it does not purport to be a fact, but a category of thought necessary to clear thinking about international relations.”⁵⁰ “It was the personification of the state which made possible the creation of international law on the basis of natural law. States could be assumed to have duties to one another only in virtue of the fiction which treated them as if they were persons.”⁵¹

It was given the highest moral value vis-à-vis that of individual human beings and other non-state groups, or in Carr’s words “the personification of the state encourages the exaltation of the state at the expense of the individual.”⁵² This was a rather odd development given its original intention. Although “the personification of the state was a convenient way of conferring on it not merely duties, but rights,... with the growth of state power in the nineteenth and twentieth centuries state rights became more conspicuous than state duties. Thus the personification of the state, which began as a liberal progressive device, came to be associated with the assertion of unlimited rights of the state over individual and is now commonly denounced as reactionary and

⁵⁰ Carr, op.cit., p.150.

⁵¹ Ibid, p.148.

⁵² Ibid, p.151; though it must be noted that, Carr himself objects to this interpretation because as an explanatory tool ‘morality of state’ doctrine cannot be blamed.

authoritarian.”⁵³ The corollary of this idea had a more far-reaching meaning. As I will elaborate further below, not only was the state given this superior moral status, but it was also seen as the source of morality itself. States are perceived as capable of creating their own morality, and as such the morality was confined to the limits of the state.⁵⁴ The formation of this idea can be started with Machiavelli, Hobbes, legal positivists, and traced till to Morgenthau.⁵⁵

Once we accept the state as a moral entity, which is sometimes called as ‘domestic analogy,’ a number of other ideas about the state also follow. Since the states are treated as moral entities they, like individuals, are entitled to the rights⁵⁶ over their citizens, which are not independent subjects anymore, but objects of state policies. Similar to classical liberal theories of political science, therefore, states in international system are viewed as autonomous, self-sufficient individuals living in a state of nature. Thus the sovereignty and non-intervention pillars of international system are mainly based upon this conceptualization of the state as a autonomous person as well.⁵⁷ Another implication of this domestic analogy reflects itself in the conceptualization of international system as a state of nature. Hence the expected behavior of states in this postulated original situation, to be discussed below becomes following: states are assumed to struggle for survival in a self-help system, just as individuals do in the original state of nature.⁵⁸

Human rights refers to the very basic ontology of human beings. Human beings possess them, and are entitled to claim those rights from state because of their being human.⁵⁹ In that regard, human rights are primordial to state rights. This conceptualization of human

⁵³ Ibid, p.148.

⁵⁴ Martin Wight, “Western Values in International Relations,” in H. Butterfield and M. Wight (editors), *Diplomatic Investigations: Essays in the Theory of International Politics* (London: George Allen and Unwin, 1966), p. 121.

⁵⁵ for an history of the development of the idea see: P. Savigear, “European Political Philosophy and the Theory of International Relations,” in T. Taylor (editor), *Approaches and Theory in International Relations* (London: Longman Group, 1978), pp. 32-53; for the ancestors of modern realism see: Martin Wight, op. cit., pp. 88-131; Carr notes that the idea that states are complete and morally self-sufficient finds its best expression in Hegel; Carr, op.cit., p.153.

⁵⁶ Halliday, op. cit., p.29.

⁵⁷ Vincent, *Human Rights and...*, p.115.

⁵⁸ see, R. J. Vincent, “The Idea of Rights in International Ethics,” in Terry Nardin and David R. Mapel (editors), *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), pp. 257-259.

⁵⁹ for example see, Vincent, *Human Rights and ...*, p.111

rights is however not compatible with the realist morality, which does not allow any rights and morality out of the state, the only source of rights and morality. Therefore Hoffmann is right to put the matter as the dilemma between the morality of states vs. cosmopolitan morality.⁶⁰ Because people of the universe are compartmentalized among different entities called states, this way of thinking rejects the idea of international-universal society of mankind, thus the idea of universal values that are applicable to all people irrespective of their citizenship. Since every autonomous state is entitled to set its morality and rights within its own jurisdiction, individuals have rights and freedoms to the extent that they are provided by their respective state. A state's treatment of its own citizenry thus becomes its own business –internal affairs- and others have no right to interfere with the issues regarding an individual's relationship to his state.

Membership in international system: A state-centric club!

In a similar vein, realism's emphasis on states as the basic constituent parts of international system should have some implications for human rights oriented policies as well. All realists take the group, rather than individual as the prime unit of analysis. Conceptualization of politics as an activity associated with the group provided the rationale for this conceptualization.⁶¹ States, as the ultimate form of human organization, are taken the most important units in international relations. Human beings and communities are seen to communicate with each other through the agency of states.⁶² This core assumption of realism is also shared by neo-realism. Waltz reasserted this point boldly, by challenging pluralist arguments and maintaining that despite the existence of other non-state actors, states will be with us as the main units of international system.

This exclusive state-centric conceptualization is openly not compatible with the idea of human rights and their promotion internationally. Since states are assumed to interact with each other, individuals and groups of other countries are not seen as the counterparts

⁶⁰ Hoffmann, "Reaching..." p. 37 he that the morality of states denies the primacy of human rights and subordinates its protection to the consent of the state.

⁶¹ see for instance: Carr, op.cit., p.95.

⁶² Vincent, *Human Rights and ...*, p.113

of a country in foreign policy. Hence in case of the violation of human rights, the outsiders have no say about the issue. Due to the principles of sovereignty and nonintervention, such interference seem to contradict with the primacy of state as the basic unit of international system. Even when the human rights issues are dealt with in international relations in a limited way, again due to the idea of morality of states, they are handled in state-centric frameworks. Human rights are seen as inter-state duties since individuals and groups are assumed to interact with each other through the agency of states.⁶³ Thus their protection is also subordinated to the consent of the state.⁶⁴ Given the fact that human rights is a matter pertaining to individuals' rights, and most of the time the primary violators of basic rights are the states themselves, their protection and promotion is done by the actions of other non-state actors, such as NGO's. Again, the hostility of realist paradigm to such non-state actors acts as a constraining factor on the promotion of human rights.

3- Ontology of international system –state of nature

There is also reason to think that some characteristics of international order would make the insertion of human rights and moral concerns into foreign policy difficult, if not impossible. So far, I have examined the limited place assigned to morality by realists –or realist notion of morality. However their conceptualization of international system further restricts the role of human rights in international relations, if not totally excludes it.

Realism assumed an anarchic international system composed of like units, sovereign, equal nation-states, which are trying to survive in this milieu. This anarchy was not in the sense of chaos and destruction, but rather in the sense of the absence of a final arbitrator. Since all states cohabitating the system are like units possessing sovereignty this understanding of anarchy is the logical consequence. In that regard, there is a strong inclination among the realists to compare international relations with *Hobbesian* 'state of nature.'

⁶³ Dyer, op. cit., p.37.

⁶⁴ Hoffmann, "Reaching...", p.37.

Although a pure Hobbesian conceptualization of international system can be seen as an extreme case, modern realists are more or less following the same pattern.⁶⁵ And as Waltz further elaborated in his discussion about the defining elements of international structure, there is no division of labor in international system due to anarchy. No matter how capable they are, whether small or big, all states in the system are expected to perform the same task, which is to provide their own security. Indeed, if the international system is understood as an environment of anarchy, in which self-help is the rule, and self-interested states are deemed to engage in a struggle for power –irrespective of whether it is relative or absolute-, if there is no overarching authority for the states to turn to for protection; and if the possibility -or probability- of war always remains constant, survival and quest for power naturally becomes the leitmotiv of states in international relations. Ignoring this even for a moment and acting in ways other than this would be an invitation for the destruction of the state, thus the nation.

Raymond Aron illustrates the connection between seeking the national survival and the conceptualization of international system as the state of nature. He writes “since states have not renounced taking the law into their hands and remaining sole judges of what their honor requires, the survival of political units depend, in the final analysis, on the balances of forces, and it is the duty of statesmen to be concerned, *first of all*, with the nation whose destiny is entrusted to them, The necessity of national egoism derives logically from what philosophers called the *state of nature* which rules among states.”⁶⁶

I will let Hobbes speak for himself to further illustrate the Hobbesian state of nature: “But, though there had never been any time wherein particular men were in a condition of war one against another, yet in all times kings and persons of sovereign authority, because of

⁶⁵ for a discussion about the state of nature analogy, and Hobbesian situation; and critique of it on the basis of other conceptualizations of the state of nature, see: Beitz, op.cit., pp. 11-66; also see, Hoffmann, *Duties...*, p.11, 13-15; also for Bull’s critique of the application of what he calls ‘domestic analogy,’ to international relations, see, Bull, op.cit., pp.44-48; Indeed, non-Hobbesian, especially Grotian and Lockean accounts of state of nature have been increasingly used to counter realist mode of thinking. Even Darel Paul goes as far claiming that neorealists are not able to conceive of international relations outside the framework of anarchy and sovereignty either, Darel E. Paul, “Sovereignty, Survival and the Westphalian Blind Alley in International Relations,” *Review of International Studies* (Vol. 25, No. 2, April 1999), p. 219.

⁶⁶ Raymond Aron, *Peace and War*, p.58; emphasis in original; quoted by Beitz, op.cit., pp.27-28.

their independency, are in continual jealousies and in the state and posture of gladiators, having their weapons pointing, and their eyes fixed on one another, that is, their forts, garrisons, and guns, upon the frontiers of their kingdoms, and continual spies upon their neighbours: which is a posture of war. But because they uphold thereby the industry of their subjects, there does not follow from it that misery which accompanies the liberty of particular men.”⁶⁷

Once we conceptualize international state of nature as almost akin to a state of war, no state has a duty –read it luxury- to observe others’ conduct, or undertake other-help actions, and “no state has overriding interest in following moral rules that restrain the pursuit of more immediate interests,”⁶⁸ such as ensuring the survival. There is therefore few if any place for human rights in international relations and in the foreign policies of the individual states in an anarchic, Hobbesian conceptualization of international system. Indeed Hobbes himself puts it clearly when he talks about justice, “to this war of every man against every man this also is consequent, that nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place.”⁶⁹

Cultural Relativism

This conceptualization of international system as anarchic and states as autonomous, sovereign, self-sufficient leads to interesting conclusions, which may have further constraining effects on human rights oriented policies in international relations. The most immediate conclusion is that because no state is able to have a superior say over other, and each of them is in an equal standing with the others, there is a strong inclination to cultural relativism in realist tradition.⁷⁰ This may be compared to classical liberals’ conception of ‘negative freedom;’ or *laissez faire* approach, which stipulates that each state should be left alone on its own. In this understanding, each society should be free from external coercion and be allowed to choose its own form of government. The

⁶⁷ Hobbes, *Leviathan*, Book 1, Chp. 13, para.12, <http://www.bartleby.com/34/5/12.html>.

⁶⁸ Beitz, op.cit., p.14.

⁶⁹ Hobbes, *Leviathan*, Book 1, Chp. 13, para.13, <http://www.bartleby.com/34/5/13.html>.

⁷⁰ However, the long-standing debate about cultural relativism and human rights may have a different meaning than my focus here. It rather relates to inter-civilizational differences over the nature and content of human rights, as well the debate between the West and East regarding political/cultural rights vs. economic and social rights. See, Donnelley, op.cit., pp.57-123.

choices of people, which are supposed to be represented by the activities of the states, should be respected by the outsiders.⁷¹ This has at least two implications for our case.

First, because each state is viewed as an autonomous entity, taken together with other realist tenets, each state also has the right to set its own domestic standards. Outsiders have no authority to be concerned with the domestic human rights situation of the target state. Nor can any state set universal moral code of conduct. To follow a foreign policy based upon promoting humanitarian ideals and monitoring others' behaviors can indeed be seen as "an arrogant way of moral crusade,"⁷² and as an invitation for disaster.

This is very well expressed by Morgenthau's fifth principle reads as follows: "political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe... All nations are tempted –and few have been able to resist the temptation for long- to clothe their own particular aspirations and actions in the moral purposes of the universe. To know that nations are subject to the moral law is one thing, while to pretend to know with certainty what is good and evil in the relations among nations is quite another... The lighthearted equation between a particular nationalism and the counsels of Providence is morally indefensible, for it is that very sin of pride against which the Greek tragedians and the Biblical prophets have warned rulers and ruled. That equation is also politically pernicious, for it is liable to engender the distortion in judgment which, in the blindness of crusading frenzy, destroys nations and civilizations- in the name of moral principle, ideal, or God himself."⁷³

Second, because morality is related to power of the ruler, and there is no universal ruler, then there can be no universal morality to judge the actions of other states either. This interpretation of sovereignty is a strong case for skepticism for moral theory in that this feature of sovereignty makes universal moral judgments inappropriate. On this view, states are not bound by international moral requirements because they have separate and

⁷¹ Donnelley, *op.cit.*, p.158.

⁷² Hoffmann, "Reaching...", p. 35

⁷³ Morgenthau, *Politics...*, p.11. This also somehow relates to the incompatibility between human rights and positive function assigned to national interest, to be discussed below.

discrete political orders with no common authority among them. Quoting Jean Bodin's notion of sovereignty, Beitz underlines that the absence of common judge may provide a reason for skepticism about international morality. Bodin writes "there are none on earth, after God, greater than sovereign princes, whom God establishes as His lieutenants to command the rest of mankind." The sovereign power is exercised "simply and absolutely" and "cannot be subject to the commands of another, for it is he who makes law for the subject."⁷⁴

The connection between the need for authority and compliance with morality at the same time goes to the heart of the state of nature analogy. I already noted Hobbes' claim that there can be no moral principles in state of nature. Further, in Hobbes' view, the precondition for the logic of acting on moral grounds is the compliance of others. And, adequate assurance of reciprocal compliance could only be provided by a government with power to reward compliance and punish noncompliance. Where no such assurance exists, like in the state of nature, which has no government, there is no reason to comply with moral rules.⁷⁵

Indeed, by looking at the growing power of nation-state, Morgenthau talks about international morality as largely being a thing of the past. He identifies a general, far-reaching process of "the dissolution of an ethical system that in the past imposed restraints upon the day-by-day operations of foreign policy but does so no longer. Two factors have brought about its dissolution: the substitution of democratic for aristocratic responsibility in foreign affairs and the substitution of nationalistic standards of action for universal ones."⁷⁶

That means, each state now has its own morality applicable within its own borders and whatever it does, including the violations of the basic rights of its own subjects, will have a moral standing. At least, other states will not have any moral grounds to interfere with

⁷⁴ Jean Bodin, *Six Books of the Commonwealth* (1576), quoted by Beitz, *op.cit.*, pp.25-26.

⁷⁵ Hobbes, *Leviathan*, Book 1, Chp. 11, and Chp.14; also for an excellent treatment, see: Beitz, *op.cit.*, pp.28-34.

⁷⁶ Morgenthau, *Politics...*, p.248.

another states' treatment of its citizens, as long as this behavior does not threaten their own national interests. Kennan puts it bluntly: "if the policies and actions of the U.S. government are to be made to conform to moral standards, those standards are going to have to be America's own... When others fail to conform to those principles, and when their failure to conform has an adverse effect on American *interests*, as distinct from political tastes, we have every right to complain and, if necessary, to take retaliatory action. What we cannot do is to assume that our moral standards are theirs as well, and to appeal to those standards as the source of our grievances."⁷⁷

Added to this is the uncertainty surrounding the definition and scope of human rights. As Bull underlines "if international society were really to treat human justice as primary and coexistence as secondary, ..., then in a situation in which there is no agreement as to what human rights or in what hierarchy if priorities they should be arranged, the result could only be to undermine international order."⁷⁸ Beitz also underlines the relations between what he calls skepticism and the lack of normative international theory: "Since principles adequate to resolve such conflicts are fundamentally insecure [due to cultural relativism], the skeptic claims, no normative international theory is possible."⁷⁹ Thus, in a world of sovereign states, there is few place for promoting human rights through foreign policy. In his case against morality in foreign policy, Kennan also capitalizes on the same point: "let us note that there are no internationally accepted standards of morality to which the U.S. government could appeal if it wished to act in the name of moral principles."⁸⁰

4- Sovereignty and non-intervention: primacy of world order or order vs. justice.

Conceptualization of international system as an anarchic, self-help system resulted in the prioritization of international order as another primary value that the states should strive

⁷⁷ Kennan, "Morality..." p.208, emphasis in original.

⁷⁸ Bull, op.cit., p.85. I think Bull's treatment of the notion of 'human justice' comes closer to the concept of promoting human rights as understood here.

⁷⁹ Beitz, op.cit., p.17.

⁸⁰ Kennan, "Morality..." p.207; earlier he also maintained that "let us not assume that our moral values ... necessarily have viability for people everywhere. In particular, let us not assume that the *purposes* of states, as distinguished from their methods, are fit subjects for measurement in moral terms." Kennan, *Realities of...*, p.47; emphasis in original.

to achieve. Because international relations is about the issues of life or death, maintenance of the existing minimum order was seen as part of the prudent action required from the statesmen. The post-Charter international state system, inspired by the so-called Westphalian legacy was based upon such norms as, sovereign equality of states, non-intervention in domestic affairs, non-use of force, non-violability of the borders, territorial integrity, mutual recognition, and so on. In short, maintenance of world order was the prime motive of the modern international system. Those norms, particularly sovereignty and non-intervention, which are one of the main tenets of the current international system, and which stays as an obstacle to the promotion of human rights, are derived from the anarchical conceptualization of international system.⁸¹

I have already noted that realists' conceptualization of international system as anarchic and states as autonomous and sovereign gives way to strong relativism. Because international relations is based on the principle of sovereignty, it grants a state exclusive jurisdiction over the territory it controls and people living on this territory. As a result, the logical corollary of sovereignty is the norm of non-intervention which prohibits states taking action in the internal affairs of other states, and further consolidates relativism. Bull writes: "there is the goal of maintaining the independence of external sovereignty of individual states. From the perspective of any particular state what it chiefly hopes to gain from participation in the society of states is recognition of its independence of outside authority, and in particular of its supreme jurisdiction over its subjects and territory. The chief price it has to pay for this is recognition of like rights to independence and sovereignty on the part of the other states."⁸² Similarly Vincent underlines that non-intervention allows a degree of pluralism and variety within the states.⁸³ One can conclude that this pluralism could constitute an obstacle to the idea of universality of human rights, and as discussed before, it may confine the morality within the borders of state. This is also interwoven with the inside/outside distinction, to be discussed below.

⁸¹ Vincent, *Human Rights and ...*, pp.113-114

⁸² Bull, *op.cit.*, pp.16-17.

⁸³ Vincent, *Human Rights and ...*, p.117

Because traditional legal/political interpretation of sovereignty confined the issues of human rights to the national jurisdiction of sovereign states, human rights was by default of no legitimate concern to other states; thus they were dropped out of the agenda of foreign policy.⁸⁴ This way of criticism against human rights is implicitly based on *the statist paradigm* which prioritizes the rights of states over the rights of individuals, thus norms of sovereignty and non-intervention over protecting human rights.⁸⁵ Kennan's case against incorporating human rights concerns into U.S. foreign policy is also inspired very much by the same logic: "The situations that arouse our discontent are ones existing, as a rule, far from our own shores. Few of us can profess to be perfect judges of their rights or their wrongs. These are, for the governments in question, matters of internal affairs. It is customary for governments to resent interference by outside powers in affairs of this nature, and if our diplomatic history is any indication, we ourselves are not above resenting and resisting it when we find ourselves it object."⁸⁶

Order versus justice

One implication of this primacy of world order is somehow reflected in the supposed tension between order and justice –realization of human rights. As discussed, the tension between the promotion of human rights at international level and the main tenets of the current international system is a well-known one and has been widely debated.⁸⁷ Thus, an action to promote or implement universalizing humanitarian norms was understood as a threat to or a breach of this order by strict interpretations of the existing world order, as well as states which had internal tensions, particularly in terms of their human rights records. Therefore such attempts were seen as highly destabilizing forms of action that must be avoided. Especially, from the perspective of the dominant powers in the system, given that they were in a nuclear age, the need to avoid a great power war and maintain stability was the prime concern during the Cold War years. Similarly, it suffices to

⁸⁴ Donnelley, op.cit., p.157.

⁸⁵ Robert H. Jackson, "Armed Humanitarianism," *International Journal* (XLVIII, Autumn 1993), pp. 582-583.

⁸⁶ Kennan, "Morality...", p.209.

⁸⁷ In addition to works cited before, see: Kate Kelly and David P. Forsythe, "Human Rights, Humanitarian Intervention, and World Politics," *Human Rights Quarterly* (Vol.15, No.2, May 1993), p.312; Ihsan Dagi, "Human Rights, Foreign Policy and the Question of Intervention," *Perceptions* (Volume VI, Number 2, June-August 2001), pp.105-119.

remember the emphasis put by Waltz on the maintenance of stability in bipolar system. Therefore, due to their destabilizing effects, issues of secondary importance, such as promoting human rights, were left off international agenda.

Therefore Bull catches this point cogently by drawing our attention to the fact that “the framework of international order is inhospitable also to demands for human justice... International society takes account of the notion of human rights and duties that may be asserted against the state to which particular human beings belong, but it is inhibited from giving effect to them, except selectively and in a distorted way... It is here that the society of states ... displays its conviction that international order is prior to human justice. African and Asian states, ... are willing to subordinate order to human justice in particular cases closely affecting them, but they are no more willing than the Western states or the states of the Soviet bloc to allow the whole structure of international coexistence to be brought to the ground.”⁸⁸

As I underlined, the crux of this issue revolves around the principle of non-intervention which is a derogative of the norm of sovereignty. This can be observed in the debate on the place of humanitarian intervention in international relations. As Donnelly puts it, humanitarian intervention presents “a genuine moral dilemma in which important and well-established principles (human rights and nonintervention) conflict so fundamentally that reasonable men of good will may disagree on how that conflict is to be resolved.”⁸⁹ Therefore it became almost a stereotype to talk about the legal/political tension between human rights and state sovereignty in most of the scholarly works on humanitarian intervention.⁹⁰ However, notwithstanding contemporary developments that have weakened state sovereignty, the incompatibility between state sovereignty and humanitarianism is still an important source of the opposition against humanitarian intervention. Humanitarian intervention, as the most assertive form of promoting human

⁸⁸ Bull, *op.cit.*, p.85.

⁸⁹ Donnelly, Jack, “Human Rights, Humanitarian Intervention and American Foreign Policy: Law Morality and Politics”, *Journal of International Affairs* (37, Winter 1984), p.320.

⁹⁰ Fernando Teson identifies a “congenital tension between the concern for human rights and the notion of state sovereignty- two pillars of international law,” Fernando Teson, *Humanitarian Intervention: An Inquiry into Law and Morality* (NY: Transnational Publishers, 1988), p.3.

rights at international level, continues to create a discomfort among the defenders of the existing world order in that it would violate the doctrine of sovereignty, the organizing principle of the international order.⁹¹ As Corten aptly puts it, “the doctrine of ‘the right to intervene’ is an attempt to challenge this traditional legal structure by calling into question the very concept of sovereignty it is based on.”⁹²

5- Inside/Outside Distinction

Another strong (neo)realist notion is, as Walker described,⁹³ the distinction between –or isolation of- inside of a state and outside, the international milieu. In this categorization, states are taken as black boxes and their internal configurations are excluded from the constitutive effects of states’ external environment, international system. Similarly, outside, international system, is also insulated from inside in that the rules of the game outside are not affected by states’ internal conditions. Thus, inside and outside are taken exogenously and not examined in detail. Within states, it is postulated that there is a hierarchical –vertical- organization; thus order prevails. On the other hand, in international system we get a decentralized –horizontal- organization; thus structural anarchy prevails. International system has its own logic of working immune from the properties of its parts, a point which is best expressed by Waltz’s idea of the structure of the system. Therefore he even goes as far as claiming that a theory of international relations does not need to have a state theory. Since every state is accepted as like units, similar to billiard balls, internal dynamics thus are excluded from analysis. When they enter into international system, states are assumed to have solved their internal problems.

Once the effects of internal dynamics on the overall system are excluded out of analysis, the inside of the states is also isolated from the concern of international politics and foreign policy. This intellectual inside/outside construct thus strengthens the impediments set by realism to human rights policies discussed so far. Indeed the inside/outside distinction could be further discussed in relation to the tenets of the Westphalian

⁹¹ Elliott Abrams, “To Fight the Good Fight,” *The National Interest* (Spring 2000), p.70.

⁹² Olivier Corten, “Humanitarian Intervention: A Controversial Right,” *UNESCO Courier* (Vol.52, No.7, July/August 1999), p.58.

⁹³ RBJ Walker, *Inside/Outside: international relations as political theory*, (Cambridge: Cambridge University Press, 1990).

international system. Non-intervention and sovereignty, taken together with this inside/outside distinction, prevents outsiders from intervening in the human rights problems inside other states, and acts as a further constraint to human rights policy.

6- High politics vs. low politics

In the anarchical/self help international system where states are struggling for survival, as stated before, security becomes the number one issue, or as Waltz underlines 'in anarchy security is the highest end.' Since states attempt to increase their power capabilities to survive, a struggle for power becomes the driving force of international politics. And this power is generally understood as the military power. The considerations of security further subordinate other issue areas to politics/security realm, which stand at the top of the international agenda. The other issues are studied as long as they contribute to politico-military power.

Remembering that realism has even downplayed the role of economical issues, one can easily appreciate what place is left for human rights concerns in the agenda of international relations and in the foreign policy choices of individual states.⁹⁴ This neglect of non-political issues becomes particularly important in the case of human rights concerns because their inclusion into foreign policy would usually conflict with the political-security related priorities of the states, which are generally defined as national interest. Given the importance of the matter, I will try to examine how conceptualization of national interest restricts the place of human rights in detail, below.

At this stage, it would be useful to draw attention to another issue related with the distinction between high politics and low politics. Because high politics is the realm of survival and maintenance of the national security, and because the resources available to states are limited, engaging in low politics would in fact distract the attention away from issues of primary importance, and undermine the national security. Therefore high politics-low politics distinction makes it obligatory that states refrain from engaging in

⁹⁴ Robert O. Keohane, Joseph S. Nye, *Power and Interdependence: world politics in transition* (Boston: Little, Brown, 1977).

such policies as human rights promotion abroad, and focus on enhancing national security. Kennan writes: “Whoever looks thoughtfully at the present situation of the United States in particular will have to agree that to assure these blessings [military security, material prosperity, and a reasonable opportunity for the pursuit of happiness] to the American people is a task of such dimensions that the government attempting to meet it successfully will have very little, if any, energy and attention left to devote to other undertakings, including those suggested by the moral impulses of these or those of its citizens.”⁹⁵ Carr also raises a similar point by emphasizing that “the accepted standard of international morality in regard to the altruistic virtues appears to be that a state should indulge in them in so far as this is not seriously incompatible with its more important interests.”⁹⁶

Indeed modern-day realist critique of U.S. participation in U.N. peacekeeping operations could be seen as an offspring of this way of thinking. In fact this is also reflective of the tension between national interest and international interest, to be discussed below. For instance, when discussing peacekeeping missions, Kegley tries to show how realism poses obstacles to constructive developments in this field especially because of its refusal of international organizations, and its assumption that national interest supersede international interests.⁹⁷

7- National Interest: does human rights hinder the pursuit of other interests?

As partly referred before, in an anarchical self-help system states are supposed to pursue their national interests defined in terms of their power capabilities in their quest for survival. And this concept was seen like a magical formula to explain the essence of international politics. Moreover, this was in a sense what realist morality corresponded to, as described above. Realists did not claim to be amoral, but they argued for a special

⁹⁵ Kennan, “Morality...,” pp.206-7.

⁹⁶ Carr, op.cit., p.159; interestingly, he goes on to state that “the result is that secure and wealthy groups can better afford to behave altruistically than groups which are continually preoccupied with the problem of their own security and solvency...” This may give us some clues to understand why Western capitalist democracies are the forerunners of human rights policies.

⁹⁷ Charles W. Kegley, “Thinking Ethically about Peacemaking and Peacekeeping,” in T. Woodhouse, R. Bruce, M. Dando (editors), *Peacekeeping and Peacemaking. Towards Effective Intervention in Post-Cold War Conflicts* (New York: MacMillan Press Lt, 1998), pp.21-22.

notion of morality, which was interpreted as the actions that contribute to the advancement of the nation's own interests. However, this realist concern for promoting national interest was usually seen in conflict with following moral ideas and human rights in foreign policy for mainly the same reasons discussed so far. It was often emphasized by the realists that national interest superseded international interests, and realists disagreed with the idea of universal government. Because of the centrality of the term, national interest was treated as exogenously given, and every state is expected to behave according to this principle.

The prioritization of national interest over anything else covers human rights as well. This point is put forward by many realists explicitly. One has to think this in relation with the realist assertion discussed earlier that there is no universal morality. Because there is no universal morality other than the morality of states, then there could be no international interest, other than national interests of the states. Some argue that since national interest is the highest value, the human rights concerns must be refused totally; whereas some others allow for a certain free room for human rights in case they don't contradict to national interest.⁹⁸ However, as will be discussed below, this latter point about the compatibility between national interest and human rights is a cause for further tension.

Another point that must be noted in this context is the positive function assigned to national interest by the realists. By assuming that statesmen think and act in terms of interest defined as power, Morgenthau thinks, political realism could explain and anticipate the behavior of states in international politics. This assumption has somewhat a normative implication as well. Since all states in the system will follow their national

⁹⁸ Vincent underlines that under the current circumstances human rights can be followed only if they serve the interest of the state and if they don't deteriorate any other interests of the state, R. J. Vincent, "Human Rights in Foreign Policy", in Dilys M. Hill (editor), *Human Rights and Foreign Policy*, (London: MacMillan, 1989), p.57; The case of 502 B of the Foreign Assistance Act, which at the time was viewed as the culmination of the attempts to include human rights concerns into foreign policies of the states, is quite illustrative. If it was necessary for national interest, the President might continue assistance to a country violating human rights. This reflects the persistence of traditional view of national interest. Also the fact that in short time after Carter Administration, its implementation lost its enthusiasm shows the power of 'national interest' lobby. See, Evans, op. cit., pp 167-168.

interests defined in terms of their capabilities in a rational way, this will create self-restraint on the part of the states and have a moderating impact on international order. Ideally, each state will in fact aspire and get what it deserves given its own capabilities. Hence, like the invisible hand in the liberal economics, there will occur a kind of harmony among the national interests, which will provide the system with a certain degree of orderliness. Although national interest and power capabilities are abstract concepts in themselves, thanks to realists accompanying assumption of rationality, states are expected to calculate them rationally.

Inclusion of normative concerns, such as human rights,—which are conflictual in themselves too—⁹⁹ into foreign policy calculations of states would probably violate this presumed underlying harmony. Objectively defined national interests might be distorted if a state assumes a role for itself to follow a human rights policy because of the unpredictability and difficulties of a necessary action on moral grounds. This will be likely to distort the harmony among states and undermine world order. I have already noted Morgenthau's discontent with crusading. Along the same line, after distancing political realism from crusading, Morgenthau goes on to state that “on the other hand, it is exactly the concept of interest defined in terms of power that saves us from both that moral excess and that political folly. For if we look at all nations, our own included, as political entities pursuing their respective interests defined in terms of power, we are able to do justice to all of them. And we are able to do justice to all of them in a dual sense: We are able to judge other nations as we judge our own and, having judged them in this fashion, we are then capable of pursuing policies that respect the interests of other nations, while protecting and promoting those of our own. Moderation in policy cannot fail to reflect the moderation of moral judgment.”¹⁰⁰ Elsewhere he also argues that we are likely to make mistaken foreign policy choices if we take an excessively ‘moralistic’ attitude toward them.¹⁰¹

⁹⁹ Hoffmann, *Duties...*, p.116

¹⁰⁰ Morgenthau, *Politics...*, p.11; similarly Kennan's understanding of the function of national security comes very close to this way of thinking. Kennan, “Morality...,” p.206.

¹⁰¹ Hans J. Morgenthau, *In Defense of National Interest* (New York: Knopf, 1952), pp.37-38, cited by Beitz, op.cit., p.20.

Risk of abuse- realism skepticism

The interplay between the realist emphasis on high-politics vs. low-politics and national interest has some other aspects as well. I have already noted Bull's critique that the application of moral standards will always be selective and distorted under the conditions of the current international order. Likewise, according to Morgenthau, "the principle of the defense of human rights cannot be consistently applied in foreign policy because it can and must come in conflict with other interests that may be more important than the defense of human rights in a particular circumstance."¹⁰² Kennan seems to close the circle when he claims that "interventions of this nature [those undertaken under the banner of democracy, human rights, majority rule, and so on to criticize the internal practices of states] can be formally defensible only in the practices against which they are directed are serious injurious to our interests, rather than our sensibilities."¹⁰³ That is to say, if there is any way for morality in foreign policy, it is to the extent that one can show a positive correlation between pursuing moral ends and advancing national interests.

This realist 'generosity' of granting a place for human rights considerations, however, gives way to another source of criticism to human rights policies. Because the substance of international relations was described as power politics, dominated by concerns for survival, the inclusion of other non-power related concerns in this framework is also reduced to a function of power or national interest. If economic or ideational factors/institutions are to have any place in international relations, they are valuable to the extent that they serve state power and advance national interest. That means they are not constitutive elements of international relations, but instrumental to power politics. The logical corollary of this idea is that states could utilize non-material factors to realize their power-related material aims.

This situation poses particular challenges in the case of human rights. Given their normative aspects, their employment in the service of power would create a strong sense of injustice because it would be tantamount to at best selective application, and at worst

¹⁰² Morgenthau, *Politics...*, p.7.

¹⁰³ Kennan, "Morality..." p.209.

abuse. It is this risk that led even many who acknowledge the ethical need for a human rights policy to be skeptical about incorporating humanitarian concerns into international relations. Morgenthau writes “since statesmen and diplomats are wont to justify their actions and objectives in moral terms, regardless of their actual motives, it would be equally erroneous to take those protestations of selfless and peaceful intentions, of humanitarian purposes, and international ideas at their face value. It is pertinent to ask whether they are mere ideologies concealing the true motives of action or whether they express a genuine concern for the compliance of international policies with ethical standards.”¹⁰⁴ One can easily situate Carr’s suspicion with the doctrine of harmony of interests into the same category.

Indeed given the lack of universal consensus on moral values, and different notions of human rights, allowing states to pursue human rights oriented policies could be an invitation to abuse, manipulation and rationalization in state practice.¹⁰⁵ Any call for morality in foreign policy is seen as duplicitous by realists in that they are used to conceal hidden interests.¹⁰⁶ It is often difficult to distinguish between states’ declared humanitarian motives and any type of *real politik*. In the absence of an effectively working mechanism –an international state- for deciding when international interference might be permissible –for instance, the type of human rights the violation of which may warrant interference; or the degree of violations- and how this interference should be carried out, states might advance humanitarian motives as a pretext to cover their national interests. Thus, the possibility that humanitarian arguments might be used to cover selfish national interests has been one of the thorny issues in international ethics. As a matter of fact it can be said that, with an attempt to obscure their agenda based primarily on national self interest, states often employ the language of humanitarianism, and the real motives behind their actions cannot be easily ascertainable.¹⁰⁷

¹⁰⁴ Morgenthau, *Politics...*, p.236.

¹⁰⁵ For an analysis of this problem in the case of humanitarian intervention, see: Dorinda G. Dallmeyer, “National Perspectives on International Intervention: From the Outside Looking In”, in C. F. Daniel and B. C. Hayes (editors), *Beyond Traditional Peacekeeping* (New York: St. Martin’s Press, 1995), p.31.

¹⁰⁶ Halliday, *op. cit.*, p. 24.

¹⁰⁷ Bhikhu Parekh, “Rethinking Humanitarian Intervention,” in Jan Nederveen Pieterse (editor), *World Orders in the Making* (London: Macmillan Press Ltd, 1998), p.146.

To avoid the danger of abuse of ethical standards, the best way was seen to foreclose such a loophole in the first place by rejecting the notion that human rights could be incorporated into international relations. Therefore, we get “another obstacle to the realization of human justice within the present framework of international order. When questions of human justice achieve a prominent place on the agenda of world political discussion, it is because it is the policy of particular states to raise them... The international order does not provide any general protection of human rights, only a selective protection that is determined not by the merits of the case but by the vagaries of international politics.”¹⁰⁸

III. Concluding remarks

Throughout the above discussion, I underlined the tension between the main tenets of the realist school and a human rights oriented foreign policy. Moreover this tension has been effective in the formation of the actual policies of the states and resulted in the neglect, if not total denial, of human rights considerations in foreign policy making. Therefore, despite its claims to be a value-free scholarly tradition, there is reason to think that, as in many other issues, realism created a self-fulfilling prophecy, and took a normative stance against the incorporation of human rights into international relations. In this regard, it is instructive to remember Carr’s observation “that the attempt to deny the relevance of ethical standards to international relations has been made almost exclusively by the philosopher, not by statesman or the man in the street.”¹⁰⁹ Hence, limited place given to human rights concern during the Cold War years. The support for repressive ‘authoritarian’ but *friendly* regimes, or gross violations of basic human rights in many parts of the world had gone untouched for the sake of maintaining global stability and observing the founding principles of international system, sovereignty and nonintervention.

¹⁰⁸ Bull, op.cit., pp.85-86.

¹⁰⁹ Carr, op.cit., p.154.

Since realism cannot provide the adequate framework to adopt a foreign policy taking a stance on human rights, one could question realism and explore other schools of thought, such as liberal approaches to international relations. This is what much of the normative IR theory is about. Nonetheless, aside from this normative concern for promoting human rights, there are also some practical reasons to call realism into question. The post-Cold War era witnessed the rise of human rights as an international issue area, and important advancements have been made toward the internationalization of human rights. As a result not only normative, but also explanatory power of realist paradigm has been seriously undermined.

By studying the particular case of human rights promotion, one could identify a number of areas where realism needs revision. To start with, we should go beyond the exclusive state-centric notion of international system and move towards a conception of a society of mankind which allows a range of different entities to coexist within itself. States in this society would still hold the ultimate political authority, but this would not necessarily deny the role of the individuals and non-state members of international society. Because the primordial subjects of this society would be individuals, there should be legitimate grounds that international society, through the agency of other states or international organizations, possess the right to enforce certain universal moral norms pertaining to the advancement of individuals' well-being, such as human rights. This implies that we should further modify our conceptualization of international system. We need to move away from treating international system as an anarchic state of nature to one that incorporates elements of society, and allow for the operation of some common norms and institutions.

This solidarist conceptualization of international society would also make it necessary to resolve the problematic moral position of the state domestically. Rather than 'moral superiority' of the state, we would need to have an instrumentalist definition of the state going back to contractual tradition. By this way, the norms of sovereignty and nonintervention could be modified to include state-society relations –domestic legitimacy- into equation. A state's entitlement to the rights and privileges stemming from sovereignty and nonintervention will be subject to its observance of the rights of the

individuals, and its failure to do so would enable the international society to interfere with this relationship.

This will give us a more precise depiction of the reality, and go beyond realist dichotomy of inside vs. outside. Again, this can be done only through putting the state into question and incorporating the analysis of state-society dimension, rather than taking them granted. Based upon those initial first steps, we may accentuate the interrelatedness of the domestic and international realms and eventually the need to insert human rights into this cobweb of relations.