

Justice, Morality, and International Relations: A Critical- Theoretical Reading

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Abstract

The article argues in favor of the concept of justice as a foundational norm of global politics. It looks at the puzzle that why order is preferred over justice. The disregard toward justice is seen as a tool of convenience for fulfilling hegemonic aspirations and avoiding any normative commitment. The order versus justice debate has been in the discipline for long, where different theoretical tradition has offered differing preferences. The article takes a critical–theoretical viewpoint and argues for a more active involvement with the notion of justice to have a humane understanding of international politics. It challenges the cosmopolitan idea of global justice as being a mere reflection of hegemony. The theories of justice rooted in liberalism end up providing another set of meta-narrative. The prescription, thus, is against the creation of a world government. Instead, it argues for installing an ethical and emancipatory dimension to the project.

Keywords

Cosmopolitanism, critical theory, discourse ethics, hegemony, justice

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Introduction

The article examines the notion of justice as understood by the majority of scholarship pertaining to the discipline of international relations. The notion of justice captures an essential aspect of international system owing specifically to the fact that in the changed global context where global interactions are expanding, the idea of justice needs expansion too. Examining the inherent normative claims in the idea of justice allows uncovering the viability and desirability of considering justice as an important variable in the discipline of international relations where a great number of scholarly work question its validity. The debates surrounding the notion of justice by those who adhere to this concept—though with differing conceptions—actually open up a much deeper normative contest marked by the contestations regarding order versus justice, ends versus means, and positive versus negative duties. The article analyzes the case for the explanations that takes up justice as a major factor in assessing international relations. In this regard, the article analyzes the communitarian and the cosmopolitan approaches owing to the fact that these two ostensibly argue for the case of justice (Brown 1992; Cochran 2004; Thompson 1992). Analyzing the explanations and justifications, the article argues that the motivation provided by the notion of global justice is nothing more than a façade or a smokescreen in practice. The justice motive does nothing more than to hide the actual motives—of being a global hegemon—at play. In the short term, the actions taken in the name of upholding justice do appear altruistic, but in actual practice, this translates into playing the role of norm interpreter as well as norm enforcer by the powerful nations who can fulfil their own interest camouflaged by justice motive. In this regard, the article posits that a critical–theoretical understanding based on discourse ethics is more desirable. The urgency of such approach is valid owing to the context where statist dominance in global politics is challenged by globalization and cosmopolitanism.

The Notions of Justice and Order

Justice, simply put, is the deliverance of what is due. All human beings, owing to the fact that they have ‘equal moral worth’, are entitled to attain this justice, and thereby the actions undertaken in the name of justice stay least challenged in contemporary world (Kant 2006). The idea of

justness of actions identifies with a broader moral ideal in deontological ways, adhering to the 'Categorical Imperative'¹ (Bird 2006; Kant 2006; Orend 2000). On the other hand, the issue of just outcome, which is calculated by assessing the difference between the total cost accrued and the total benefit reaped, can be seen as a utilitarian ideal. The article questions the validity of such a deontological notion on the premise that the notion of global justice itself is framed in a hegemonic way. Further, the utilitarian notion is questioned owing to the lack of any 'emancipatory' potential.

The notion of justice in international justice is contested insofar that the mainstream theory of international politics is 'actively hostile' to it (Brown 1997). The main argument discounting the desirability of any notion of justice in the international arena is the problem identified with 'domestic analogy' (Bull 1966; Suganami 1986). Domestic analogy, in this context, implies the adaptation of principles of justice as applied in the domestic realm. Hedley Bull presented a case for domestic analogy and then argued for abandoning it due to his conviction that 'international society is unique' and has certain 'qualities peculiar to the situation of sovereign states' (Bull 1966). What Bull has actually tried to do is to apply a 'logical deduction' of the domestic values from domestic society to that of the international society (Suganami 1986). This means that Bull did not discard the idea of domestic analogy in an outright manner, but he clearly saw its applicability and scope limited. The problem with such debunking of domestic analogy lies in the fact that the domestic and the international are viewed as two mutually exclusive domains. The article argues in favor of integrating levels of analysis and thereby provides 'complex aggregations' that go beyond the singular levels of state and/or individual. Such analyses can produce more 'interpretable findings and better evidence of patterns' if they are 'structured in a way that keeps track of who does what to whom' (Ray 2001: 384).

A related disputed domain is the tradeoff between order and justice. Scholars have gone at length debating the prioritization of justice and order over each other. Bull for instance admits that the international order is not hospitable to the 'demands for human justice' (Bull 1977). If one adheres to the demands of justice at the international level,

¹ Categorical imperative relates to 'the principle of universalizability', which means that one should always act only on those maxims that one wills to be universal laws of nature. Kant differentiates between hypothetical and categorical imperatives wherein the latter are 'dependent on reason, not the senses'. They are also 'a priori and unconditional' (Bird 2006).

order suffers. Ayoob also mentions a tradeoff between order and justice when he argues that while 'the North', which includes the developed nations, is interested in justice within the state boundaries and order among the territorially sovereign states, 'the South', consisting of the so-called developing and underdeveloped nations, is primarily concerned about maintenance of order within the states and calls for justice among the territorially sovereign states (Ayoob 2002). These examples of prominent scholars ostensibly suggest that the international scholarship views order and justice in clear dichotomous sense. Thus, in the domestic space, order and justice appears in an integrated sense to the extent that presence of one at the cost of other is not seen desirable. The case of international stage suggests something completely different.

The preference for order in the international relations stems from an unquestioned internalization of the anarchical nature of the system that the mainstream theorists of international relations, most notably the Structural Realists, have put forth. While in the domestic realm, there remains hierarchy owing to the presence of a central authority, and there is 'none at all' at the international level (Waltz 1959). The ordering principle of international system, by this assumption, remains its anarchical nature where the units are related on the logic of balance of power.

In domestic politics ... the use of physical force is ... monopolized by the state. In international politics there is no authority effectively able to prohibit the use of force. The balance of power among states becomes a balance of all the capacities ... that states choose [pursue] their goals. (Ibid.: 205)

The English School did engage with the problem of order, but with a lapse that they did not problematize the given fact of anarchy. Broadly speaking, the English School has a disagreement between the so-called solidarist and pluralist camps. Put simply, the major point of differentiation is that while the solidarists claimed universal norms as the ground principle, the pluralists stood in favor of respecting and accepting differences (Linklater and Suganami 2006). The relation between the two concepts of order and justice has been an insistent question in international relations (Wight 1966). The article argues in favor of justice and posits that order means little in absence of justice.

Another issue pertains to the applicability of universal norms and ideals. Justice is one of the core concepts in political theory that is 'essentially contested' (Gallie 1995). Global justice is a theoretical stand that addresses the issue of 'just distribution of benefits and burdens across the world' and

also looks at the viability of the institutions required to 'secure such a just distribution' (Kukathas 2006). The basis of cosmopolitan global justice lies in the consideration of individual human beings as the primary object of concern wherein the territorial boundaries do not imply any constraint on the deliverance of justice. As against any notion of justice that might be imposed, the argument posits that justice should have 'a commitment to mutual toleration' (Ibid.). Such understanding is favorable insofar that it reduces the possibility of exclusion and homogenized imposition. This follows from the normative claim that justice needs to be seen in context specific and relative terms. There remains the problem as to how the ideal situation of justice be conveyed in the absence of any ground rules. Further, when common ground is taken, it leads to the exclusion of marginalized sections that have differing notions of justice. The subsequent headings deal with these problems and analyses the moral contestations involved.

Morality and Justice

It is important to analyze the work of the major theorists of liberalism and cosmopolitanism. The political theory of liberalism revolves around the idea of liberty of individual (Doyle 1983; Kant 2006; Rawls 1971). One of the initial advocates of liberalism, Immanuel Kant, emphasized the issue of equal moral worth of individuals. He talks about a 'loose federation of states' meaning the absence of any coercive force to keep states together (Kant 2006). In such a setting, each state would constrain other states so that they would not breach the freedom of others. For the sake of establishing 'perpetual peace', Kant's federation of states is seen as a 'bond of mutual non-aggression'. Kant's argument is that certain preconditions are important to realize perpetual peace. These include the prescription to have a republican civil constitution by which he emphasizes the idea of upholding 'legal equality of citizen' and preserving 'juridical freedom' through proper representation (Doyle 1983; Kant 2006). Kant also calls for establishing international rights based on the 'federalism of free states'. Placing the individual human being at the center of his analysis and providing leverage to the states at the same time by arguing for a loose federation, Kant looked for creating a balance that would lead to slow but sustained order where perpetual peace would be established. The focus on republican government also reinforces the centrality of individuals. Kant does not favor the

establishment of a world government. He believes that such a sovereign authority over states would inevitably lead to tyranny (Doyle 1983; Kant 2006; Thompson 1992).

Liberal cosmopolitans like Thomas Pogge have integrated the issue of sovereignty and global justice. They also show a Kantian influence insofar that they emphasize the idea of equal moral worth of human beings. Every individual, no matter where he/she is positioned and what he/she does, has the equal status owing to the fact that he/she is a human being (Pogge 1992). Scholars have emphasized the need for application of principles of justice to the global level. However, a simplistic domestic analogy remains problematic owing to the fact that whereas the domestic space has a central political authority to guarantee justice, such authority is absent in the international sphere. Thus, Pogge does not call for direct application of Rawlsian principles. His notion of 'negative duties' of not to harm and 'intermediate duties' to avert harms that one's past conduct may cause in future is important contribution in this regard in that it allows for adjustment of Rawlsian theory of distributive justice to the global level. Duties to avert harms that one's past conduct may cause in the future are positive insofar as they require the agent to do something and also negative insofar as this requires the duty to avoid causing harm to others. Furthermore, he also calls for a 'vertical dispersion of sovereignty' implying that sovereign authority ought not be concentrated at one level from the viewpoint of 'cosmopolitan morality'. The 'governmental authority' should be 'dispersed' in the vertical dimension (Ibid.).

Similar cosmopolitan defense of international distributive justice has been put forth. John Rawls himself modified his theory of justice in a later work to be suitable to the international domain. He advocated for a particular 'political conception of right and justice' that would apply to 'the principles and norms of international law and practice' (Rawls 1993). Beitz (1975) has pushed for analogy in case of Rawlsian theory justice. He questions the moral skepticism of the realists who argue against treating international relations as a subject of normative political theory. Considering such tendency as a result of a 'faulty analogy' between states in the international system and individuals in domestic society, Beitz argues that any of the immunities enjoyed by states are contingent on the deliverance of justice in their domestic political arrangements. In similar way, Henry Shue formulated the notion of 'conditional sovereignty', which means that state sovereignty is to be seen as being conditional upon the protection of 'basic rights'. States are legitimate to the extent that they act on behalf of their citizens and

do not abuse their rights (Shue 2004). This clearly runs counter to the general statist notion that considers the norm of state sovereignty as of utmost sanctity. Justice should be seen as a 'primary moral goal of the international legal system' (Buchanan 2004). Rebutting the claim that 'the only proper goal' that the international legal system has is peace, Allen Buchanan argues that the pursuit of justice is compatible with the pursuit of peace. Justice is not merely a permissible goal but rather a morally obligatory one. It becomes a prerequisite toward attainment of other goals. Arguments of the theorists of cosmopolitanism testify Kantian notion of individuality and consequent apprehension of coercive system of state authority. They also do not argue for establishing a world government or world state in general, probably owing to the Kantian skepticism that it might lead to a tyrannical system (Doyle 1983; Kant 2006; Thompson 1992). Instead, 'a system of multilayered global governance' based on a great degree of 'dispersion of decision making authority' is envisaged (Scheuerman 2014).

The theory of communitarianism in the discipline of Political Theory came in as a rebuttal to the grand narrative of liberalism. The communitarians find the idea of 'liberal justice' inadequate as 'morality' itself has to be seen as 'rooted in practice' (MacIntyre 1981; Sandel 1982). Appropriating abstract notions of morality is seen as 'philosophically inadequate' by the communitarians (Kukathas and Pettit 1990). The major contention lays in the disagreement over considering the individual as separable from the community or 'atomized'. Prioritizing individual interest above that of the society and thereby ignoring the importance of 'human sociability' is problematic. The emphasis on 'shared meaning' of particular society debunks any justification of efforts toward universalization that liberal justice aspires (Taylor 1985). This 'social rootedness' is what remains as the central focus of these theorists.

Some liberal communitarians have focused specifically on the issue of just war. War in the name of delivering justice can be seen as the basis of the just war theory where the actions are evaluated on the basis of the means undertaken and the ends met. Taking cue from the just war theorists, Michael Walzer examines both *jus ad bellum* (the justice of war) and *jus in bello* (justice in war) and looks at the moral dilemmas involved in situations of war. Walzer distinguishes between combatants and non-combatants and argues that while soldiers may be attacked under the war conventions, noncombatants cannot be (Walzer 2006). This is indicative of a relative moral sense wherein moral claims are not universally appealed; it remains contingent upon the object of moral concern.

However, Walzer qualifies this by saying that under rare instances of ‘supreme emergency’, political leaders and soldiers may override the rights of people and violate the war conventions as well (Ibid.). The problem with such examination is that by rendering some forms of war as just and by considering some belligerents as ‘worth killing’, one of the central principle of humanity—equal moral worth of people—is undermined.

Another domain with regard to establishing a connection among justice and morality relates to that of ‘preventive wars’ (Lango 2005). Whether preventive wars could be labeled as being undertaken in pursuit of justice or not is debatable. Action of states could be driven purely by self-interest. There is a very thin line of distinction between humanitarian motive to embark upon preventive wars and the expansionist or imperial motive. Dissecting the actual motive is a tough task and the problem, thus, lingers—how to decide whether the motive, with embedded humanitarian justifications, is actually not imperialist and not detrimental to the rights and liberties of the people? The justifications sought for undertaking preventive wars resemble those sought for undertaking humanitarian interventions. But the major difference lies in the fact that a preventive war is for the purpose of saving one’s own nationals while an act of humanitarian intervention is to save people of another nation from mass atrocities. Still, ‘both the preventive and humanitarian interventions’ are aimed at upholding the ‘strong global ethic’ against mass killings and other ‘equally catastrophic events’ (Delahunty and Yoo 2009).

Cosmopolitanism and Communitarianism in International Relations

It is apposite to contrast between two major theorists in the discipline of international relations as proponents of cosmopolitanism and communitarianism, respectively—Andrew Linklater and Mervyn Frost (Brown 1992; Cochran 2004; Thompson 1992). Frost provides for a constitutive theory of state and argues that a state where citizenship rights are well respected is the one where free individuality would be assured. Understanding individuality through constitutive theory entails it as a ‘product of mutual recognition’ that gets ‘developed within a hierarchy of institutions or practical associations’. The institutions of ‘family, civil society, and the state’ are given hierarchical priority in such an association (Frost 1996). It is worth noting that Frost considers even establishment

of a world state as unproblematic and justifiable insofar that it is not achieved through 'imperial expansion' (Cochran 2004; Frost 1996). Considering the state as 'morally inclusive', Frost argues that the practice of sovereignty 'includes all of us as insiders'. He sees the state boundary as 'moral boundary' (Frost 1996). This, however, does mean that such a boundary would limit one's obligations toward the outsiders. Frost can be seen as privileging the norm of sovereignty, but he also expands the scope of morality by extending the principles of justice beyond borders. His rejection of domination as a legitimate goal in international relations and duties to protect human rights testifies this claim.

Linklater, on the other hand, is seen to advocate a 'cosmopolitan moral community of mankind'. Interestingly, he acknowledges the relevance of state's moral standing in the developing human freedom. He views states as a 'temporal association' en route the establishment of 'moral community of mankind' and appreciates their moral significance (Cochran 2004; Linklater 1990). However, as Molly Cochran highlights citing Linklater, the moral standing of the states is problematic in that it stands in the way of larger moral development. Individuals are seen to experience 'newly found moral connection' with the larger humanity and acknowledge newer obligations toward the non-compatriots. Thus, 'a global legal political system', which would regard all human subjects as moral equals, would replace the sovereign state (Linklater 1990). Reason for such movement owes to the fact that 'moral particularism' of states is undermined by the 'trends toward moral universals'² (Linklater 2007).

The underlying moral tendencies and ethical standards transcend the typical divide between cosmopolitans and communitarians. Still major distinction remains regarding the sanctity of political boundaries. While Frost can be seen as an advocate of state sovereignty by placing this norm as one of the most significant and important in international relations, Linklater's assessment of parochial moral particularism stands opposed to it. Though both will agree that states are indeed morally significant, the difference lies in reaching an agreement over 'the degree to which they are morally significant' (Cochran 2004). While the cosmopolitan theorists argue for a notion of global justice which oscillates between strong universal notion and more accommodative notion of justice, the communitarians are concerned with the idea that just conduct and justified

² Linklater identifies three such trends '(1) increase in the ideal towards the protection of human rights; (2) recognition of the need for collective action to improve the social and economic situation of the world's poor; and (3) the need to strengthen world community to face the effects of technical-instrumental rationality' (Linklater 1990).

reasoning for are more important. The two diverge on the aspect of moral weight attributed to the states and the individual.

An Evaluation of Theories of Justice

Analyzing the major theoretical contributions toward the idea of justice, it is apparent that there are hegemonizing tendencies inherent in majority of the literature. It is desirable to locate an ethical toolkit that would allow deliverance of justice at its face value. In this regard, Pogge's work is a major value addition. He focuses on an ethical toolkit that is motivated by the belief that the negative and intermediate moral duties are more stringent than positive ones. For example, the duty not to kill innocent noncombatants is more stringent than the duty to prevent such an assault by others. Pogge's emphasis on a 'maximalist conception of rights' holds that rights entail both negative and positive duties, that is, duties both to refrain from harming others and to protect as well as to assist others whose rights are subject to being violated.³ Pogge's toolkit fails miserably owing to the fact that the actions taken by states in the name of delivering positive duty can easily allow them to undertake actions on pure, non-altruistic nature and serve their narrow self-interests. The façade of justice further allows the covering up of any violation of human rights in the name of deliverance of greater good (Pogge 2010).

Another problem with the applicability of the ideas of justice lies with the universalization of *the* idea of justice as adhered to by the West. Such an argument rests on the premise that the grand narrative of the project of modernity invents and reinvents those very ideals that help to sustain the requirements of enlightenment and modernity. Such explanation demolishes the very idea of justice as adhered to by the West. The big powers strive for maintaining status quo and calls for upholding justice according to their terms can very well be interpreted as an essential prerequisite for this. Explaining the actions of states and societies in the global context through justice variable provides for normative elements owing to the fact that they engage with individual freedom. However, the morality still flows from the state in most of the liberal literature. Cosmopolitanism makes an effort to transcend this bias by arguing for duties and responsibilities beyond borders, but their tendency to

³ The arguments are based on the corrections and responses that the author received via e-mail correspondence after the review of Prof. Pogge's book 'Politics as Usual' (Pogge, e-mail correspondence, November, 2011).

universalize norms becomes a tool for perpetuating the project of modernity. Thus, though the idea of global justice is appealing, its application remains exclusionary. The liberal idea of justice remains an altruistic smokescreen to further self-interest, thereby generating skepticism about the conception. Therefore, modifying the notion of justice to incorporate the element of emancipation is an urgent requirement when a sustained theoretical contribution is sought.

Morality, Justice, and Critical Theory

With all the discussion pointing toward hegemonic tendencies, it is pertinent to discuss the notion of hegemony. Gramscian theory defines hegemony as a combination of coercion and consent, which is not merely exercised by the state but by civil society as well. It is this ideational hegemony that plays a profound role in shaping the decision of the state. Being hegemonic here implies that a particular morality is preferred over any other. The basic rights of human beings get undermined when a certain worldview relegates other worldviews to the margins. The cosmopolitan roots of morality in Kantian ethics reinforce this very deontological, universalizing, and hegemonic tendency. The method that the critical theorists employ is that of ‘immanent critique’ which problematizes the existing way of looking at the world (Devetak 2005). ‘Change’ is what forms the central aspect of the approach and by arguing for immanent critique, the approach debunks the value neutrality claim of mainstream theories. Thus, immanent critique clearly rejects the ‘positions that affirm the given order’ as well as debunks such critiques that do not challenge the existing order foundationally (Booth 2007; Devetak 2005; Postone 1993).

For Ken Booth, emancipation is

[a] discourse of politics ... [that] provides a three-fold framework for politics: a philosophical anchorage for knowledge, a theory of progress for society, and a practice of resistance against oppression. Emancipation is the philosophy, theory, and politics of inventing humanity. (Booth 2007: 112)

By viewing emancipation as ‘a philosophical anchorage’, Booth makes it the basis for considering ‘particular claims to knowledge’ worthy of taking seriously. It represents such an ‘understanding’ on which ‘future political projects’ could be framed. Emancipation as ‘a theory of progress’ provides for ‘an account of the actual world’ in which projects are possible.

As ‘a practice of resistance’, emancipation is a framework allowing an attempt to actualize short-term and long-term emancipatory goals through political action based on ‘immanent critique’ (Ibid.). The article broadly agrees with the definition of the idea of emancipation provided by Booth. Engaging with the idea of emancipation here uncovers the practice as not being ‘emancipation from below’ but rather forcing ‘emancipation from above’. This alludes to the hegemonic construction of knowledge, which considers a certain worldview as ‘more emancipatory’. Such emancipation is nothing more than a rhetorical toolkit in hands of existing and potential hegemonies to reinforce a world order that benefits them the most. The notion that particular ‘claims of knowledge’ ought to be considered as worthy of being taken seriously gets undermined when emancipation is not sought internally. The lack of ‘discourse ethics’ renders such knowledge claims marginalized (Linklater 1990).

The major aspect of discourse ethics is that principles and ideas must be validated through a mode of dialogue, wherein the effort is to reach an agreement. The notion of ‘social learning’ proceeds by creating a distinction between ‘technical–instrumental learning’ and ‘moral-practical learning’ (Ibid.). While the former focuses on increasing power of human beings over nature, the latter is concerned with the creation of more ‘consensual social relations’ that would transcend the strategic considerations of power (Habermas 1994; Linklater 1990). Ultimately, by virtue of discourse ethics, actors reflect on whether their actions have any universal acceptance or not. This is the ‘post-conventional morality’—the highest form of morality—and forms the basis of discourse ethics. Norms cannot be valid unless they ‘command the consent of everyone’ who could be affected by it (Linklater 1996). Several organizations have come up and the global risk society complements this phenomenon with increased ‘imperceptible’ harms⁴ (Beck 1992). The reduction of harm in the international community exhibits the capacity for ‘collective social learning’ and the potential for a consequent ‘moral development in world politics’ (Linklater 2011).

Another contemporary scholar from the critical–theoretical standpoint, Jabri (2007) uses the ideas of Foucault and Agamben and applies it to the transformed global context. It is important here to unpack the major ideas of the Foucault and Agamben. The basic thrust of Agamben is that by

⁴ Imperceptible risks and harms cannot be seen explicitly to exist. Beck uses it in the context of wealth and risk society. He argues that in a race between perceptible wealth and imperceptible risks, the ‘invisible risks win the race’. Ignoring imperceptible risks further serves as the breeding ground for risks and hazards to grow and thrive (Beck 1992).

selective exclusion of certain forms of lives that are considered to be unworthy of living, the sovereign power reduces them to 'expendable form of life' or the 'bare life'. The bare life, further, is banned from political and legal institutions. The notion of 'exception' is inherent in democracies. Such an exception is detrimental to the very idea of justice (Agamben 1998). Foucault addresses how the emergence of 'biopower'—concerned with exerting control over life—has led to a proliferation and intensification of the problem of war between societies (Foucault 1978). Regimes as perpetrators of violence on their own population are results of the emergence of such biopower (Foucault 1978; Reid 2008).

Jabri outlines the dangers that the 'liberal democratic polity' faces when it institutionalizes the practices that are meant to 'target the cultural and racial other' by drawing 'violent racial boundaries' (Jabri 2007). Here, she uses Agamben's ideas arguing that such a reduction of the citizen as 'racial other' leads to what Agamben refers to as 'bare life'—a life that is purposely made 'devoid of rights, of history and of the capacity to speak' (Agamben 1998). When such a construction of enemy is undertaken by selectively picking up particular individuals and their presence is seen as a threat, the very 'idea of equal citizenship before the law' ceases to exist (Jabri 2006). The contemporary drive toward fighting with cosmopolitan justifications exemplifies such construction of enemy. It is worth noting that such actions do not always proceed toward a spatially defined target but are often directed toward a culturally specific racial other. The 2011 case of Libya and the role of the NATO provide an illustration (Rabkin 2011). Though the NATO forces claimed to work under the authorization of the Security Council resolution 1973,⁵ the ultimate outcome clearly demonstrated hegemonic aspirations. A certain model of governance—Western-style liberal democracy in this case—was seen as more appropriate than the existing model. The garb of humanitarian motive was used to perpetrate violence. The article argues against such a move toward a 'security state' that creates a 'permanent state of exception' (Agamben 2005; Hallsworth and Lea 2011) and argues that the suspension of basic human rights in such a state of exception renders the idea of justice as less important and worth undermining in the name of maintaining order.

⁵ The UNSC resolution 1973, adopted under Chapter VII of the UN Charter, stipulated that there should be immediate establishment of a ceasefire and a complete end to violence and all attacks against civilians. All necessary means to protect civilians and civilian-populated areas were authorized and no-fly zone was imposed over Libya (United Nations 2011).

Conclusion

A critical–theoretical understanding provides a normative argument in favor of emancipation. The project of emancipation as the philosophical underpinning allows the discourse to be shaped in ways that are unquestionably good for the entire humanity. The challenge that the theory faces is ‘what next?’ The way critical theory proceeds by focusing on the aspects unique to the present context the normativity prescribed by them can very well be upgraded to the next level. Problems of harm, injustice, exclusion, and the quest for emancipation are ongoing processes, and change is what the theory envisages. When one adheres to the notion of justice, it is important that it must carry such potential that would deny the existent and potential power wielders to overtake the deliverance of peoples’ due without being self-interested. The article seeks to prescribe that without any due respect for human emancipation and inherent moral obligation, it would be naïve to argue about justice. The hegemonic tendencies need to be taken care of before one starts to talk and deliberate about justice.

Specific to the case of bilateral relation between states—the two epitomic democracies of India and the USA, for instance—it is ever more important to consider the aspect of justice that is neither exclusionary nor hegemonic. By this, it is posited that the circuits that unquestioningly have the power to define and argue for interest of nations need to take the problems of the most vulnerable sections into account as a prime concern. For instance, if any cooperation in the field of technological development is sought and it would require displacement of indigenous people, such decisions should not be made in a top-down manner. The problem is that this is not what happens. There is a clear privilege to the ‘order’ dimension at the cost of ‘justice’. A typical statist view debar any argument for change in the structure of authority and power and thereby silences the voices that do not concur. It is a prescription in this regard that incremental change in such direction is urgent and possible. Role of public diplomacy and engagement with diaspora can be seen as small but firm steps in the said direction. The evolution of a ‘post-conventional morality’ is an ongoing process that would help for a better understanding of bilateral relation in particular and international relations in general rooted in justice. A beginning could be to at least reconcile order and justice if preferring justice undermines the visible capability of the states.

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