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Can we be *Civil*?

What Activists and Policymakers

Tell Us about Human Rights and World Society

Daniel Gilligan

Submitted for Completion of PhD, International Relations

November 2009

School of Government and International Affairs

Durham University



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## ***Abstract***

This study looks at the seeming intractability and predictability within the human rights debate between policy makers and activists and puts it under the lens to see what it tells us about these sets of actors and what their deliberation in turn tells us about international and world society. It does this by identifying some underlying fissures in this debate that require a closer examination. These features are moral agency, the relationship between order and justice, and the basis of human rights, they each represent different facets of underlying tensions between the two sets of actors of interest, which are predicted to take the form of a family tree of ideas between the two groups. The goal is to better understand the structure underlying this debate and develop analytical tools which can be used for this debate and used for the analysis of broader debates on similar questions in world society.





# Chapter 1: In Frame

This study starts with a seemingly simple problem, the apparent intractability and predictability within the human rights debate between policy makers and activists and puts it under the lens to see what it tells us about these sets of actors and what their deliberation in turn tells us about international and world society. It begins with a brief sketch of the problem with the example of the arms control debate. From there it goes into the literature behind human rights in international relations to identify some underlying fissures in this debate that require a closer examination. These features are moral agency, the relationship between order and justice, and the basis of human rights. They each represent different facets of underlying tensions between the two sets of actors of interest, which are predicted to take the form of a family tree of ideas between the two groups. Another interest here is to understand what this debate tells us about the underlying interaction between the international and world society concepts of the English School tradition of international relations. There is a further interest in looking here at ways in which we can better understand the structure underlying this debate and develop analytical tools which can be used for this debate and used for the analysis of broader debates.

Having identified the features of interest it will then discuss how best to explore these fissures, discussing why a qualitative method based on documentary analysis supported by open-ended interviews was pursued to find out more about the genealogy of these two groups. This represents the basic outline of how the investigation will be conducted, using a set of methods that are rooted in English School theory and engage

with sociological methods to gain greater purchase on the problem at hand. The problem at hand is one focused on understanding the complexity of a situation rather than modeling behavior to simplify the actions of certain actors. It is for this reason that I will be engaging in a qualitative normative method

Starting with the third chapter there will be a discussion of the results of the research, having conducted the investigation with the recommended methods and using the framework that was constructed. The results chapters are broken into three: the good, the bad, and the ugly, which will analyze the results in terms of their relationship to the predictions of the framework. In the good those parts of the framework, which behaved as predicted will be discussed. In the bad those parts that did not work out as predicted will get their turn. Then in the ugly those unpredicted findings will be explored, and the questions that were not asked but to which there were the beginnings of answers will be looked at. This will then move into the conclusion that will serve to summarize the findings of this exercise and explore the emergent problems within the human rights question between world and international society actors. It will then finish by exploring some ways that the lessons from this study can be used to conduct further work that will answer the questions that were discovered but unanswered here, and explore other fissures between international and world society.

### ***The Arms Control Debate***

Scanning the website of a prominent Non-Governmental Organization (NGO), *Amnesty International* and going to their site on say, Arms Control, it is not difficult to

pick out the beginnings of a pattern. On the one hand we have the statement of the page's author, speaking on behalf of Amnesty, stating:

The issue is simple. The unregulated supply of weapons makes it easy for criminals to murder, for soldiers to kill indiscriminately, and for police to arbitrarily take lives. Today's weapons are quicker and more powerful than ever before. And in the wrong hands, faster and more powerful weapons mean more abuse and more wasted lives.

The flow of arms to those who openly flaunt international human rights and humanitarian laws is being ignored by many governments and companies. Guns especially have never been so easy to obtain. Their increased availability threatens life and liberty in communities and cities around the world.

( [http://www.controlarms.org/the\\_issues/the\\_problem.htm](http://www.controlarms.org/the_issues/the_problem.htm) 6.12.2005)

On the other hand we have a statement of the contending view from a policy-maker, Israeli defence expert Major General Avraham Rotem in 2003, "Fast changes are taking place around the world, especially since September 11, and many countries are reassessing the military balance of powers around them and feel the need to upgrade their systems."([http://www.controlarms.org/the\\_issues/excuses.htm](http://www.controlarms.org/the_issues/excuses.htm) 6.12.05)

We need to go deeper than cherry picked examples though. These examples begin to show a clear contrast between the two sides of the argument and the values that they emphasize: individual rights on the one hand and state sovereignty on the other. However this is a cherry picked argument that will clearly emphasize the point as the second quote is presented by its opposition on the same page as a straw man. It does not take much

more digging though to find other statements on both sides that further show this contrast.

Statements by a then policy leader in defense further illustrate this pattern. In September 2005 the docklands in east London played host to the Defense Systems and Equipment International (DIES) Exhibition, an event that was met with protests by arms control advocates. While opening the Exhibition John Reid, then Secretary of State for Defence stated:

We know the challenges of today's strategic environment - international terrorism, proliferation of WMD, failed and failing states. We also have to understand how this environment will change in the future, not least to ensure our armed forces have the equipment capabilities they need.

The Government recognises that all countries have the right to self-defence under Article 51 of the UN Charter. However, as many countries lack the indigenous defence industry to manufacture their own equipment, importing other countries' equipment represents their only realistic option to provide themselves with the necessary capability.

I believe that Britain, as a major importer and exporter, is well placed to understand the interests and concerns of other trading countries. We aim to champion the case for more open defence markets. (<http://www.dsei.co.uk/medialivenews/news/12Sep05a.aspx> 6.12.2005)

The example shows the emphasis on the state as primary actor. Again this quote from a policy maker shows a tendency to emphasize state sovereignty; here explicitly invoking Article 51 of the UN Charter as is often done. It also brings in another related element often emphasized by this side of the arms trade argument: that of *domestic* economic

benefit. Indeed in a press release for the DSEi a spokesman for the Ministry of Defence emphasizes this point more explicitly, “Defence brings five billion pounds a year to the UK and benefits between 70,000 and 100,000 jobs.”

(<http://www.dsei.co.uk/medialivenews/news/12Sep05a.aspx> 6.12.2005)

Policy makers again show their emphasis for the needs of the state, specifically here to engage in trade, overriding considerations for individual human rights.

Examples of the trend on the NGO side can also be easily illustrated. It is not difficult to find other statements from those opposed to international arms sales within the NGO community that corroborate Amnesty’s point either. Human Rights Watch in its discussion of the arms trade in Western Africa states:

The conflict-ridden West African subregion is a sad showcase of the human rights and humanitarian costs of the uncontrolled proliferation of small arms and light weapons. Quantities of arms have flowed to the region despite the rampant misuse of such weapons by state and non-state actors alike. The widespread availability of small arms to abusive actors, in West Africa as elsewhere, greatly contributes to further atrocities and makes peace harder to achieve. The United States also can exercise leadership on the global agenda to address some of the fundamental problems that contribute to human rights catastrophes in West Africa and elsewhere. One key area is the need for global measures to control the activities of arms brokers. Another is developing, adopting, and adhering to minimum global standards for arms exports, so that weapons are not furnished to known abusers. Strict human rights standards also must be upheld when granting military assistance. U.S. legislation circumscribing such assistance on human rights grounds offers a useful model that could be promoted abroad. (<http://hrw.org/english/docs/2004/05/20/africa8680.htm> 6.12.2005)

Again this quote shows the emphasis on individual rights overriding the geopolitical concerns of a nation. Again it comes from an NGO that, like Amnesty, seeks to defend human rights.

The goal is to broaden from this example to illustrate the apparent predictable pattern between these two sets of actors. This is only an example from one area of human rights debates. In other areas of Human Rights issues; torture, children's rights, refugees, and similar issues, while the specific context seems to change the debate between those in the NGO community and those in the policy maker community plays out in much the same way. Indeed for most of the actors on these issues it seems less a debate and more a pattern, in which everyone knows their role and does not seem to change much over time. Doubtless this is a simplistic read of the situation; however it is just the starting point. What I seek to do is look at this pattern and its players and not just go through the steps of accusation and counter accusation, each side trying to point out the inconsistencies of the other, but to try and understand what makes them go through the steps in this manner and what brings them to the debate in the first place.

### ***English School and World Society***

The deeper goal of this study is to understand the relationship between international and world society. My interest in this question stems from my interest in English School Theory in International Relations and a desire to test and further develop it. I have chosen to focus on this debate as a way of exploring an underdeveloped part of that theory. Before proceeding too deeply into this though I need to briefly discuss what

understanding of this theory I have and how my work fits within it. The “English School” can be understood as meaning two things, one an academic grouping, practicing within the field of international relations and as the other meaning being the product of that practice: a theory of international relations.

The name of the English School dates to the article by Roy Jones in 1981 appearing in the *Review of International Studies*, in response to Hedley Bull who, “launched an attack on the scientific approach to the study of international relations, then in ascendancy in the United States.” (Linklater and Suganami 2006: 18) Jones called for the closure of the “school” but actually ended up solidifying it in the broader field of International Relations. His argument didn’t stick but:

the name – ‘the English School’ – did, and with it gradually arose an awareness that there was a distinct community of scholars whose works exhibited a close family resemblance. By advocating its closure, Jones had inadvertently contributed to the School’s coming into existence in the popular awareness of the IR community at large.” (Linklater and Suganami 2006: 19)

Jones main criticism was that it should not be known as British despite it’s connection to the British Committee on the Theory of International Politics because it was more closely associated with the International Relations faculty at the London School of Economics and because it ignored the “British” (notably Scottish) concern with economic implications on international relations (Linklater and Suganami 2006: 18).

This led throughout the 80’s of a discussion of the boundaries of the school and who did and did not belong in the school and what the distinctive commonalities of the

members of this cluster were. In the 1990's works by scholars such as Tim Dunne and Barry Buzan kept this debate alive helped to repopularize the school, eventually leading Buzan to call at the 1999 conference of the British International Studies Association for a "reconvening of the school." (Linklater and Suganami 2006: 18-20). In total this understanding of the English School can be summed up as:

a historically evolving cluster of so far mainly UK-based contributors to International Relations, initially active in the latter part of the twentieth century, who broadly agree in treating the international society perspective – or 'rationalism' in Wight's sense – as a particularly important way to interpret world politics. (Linklater and Suganami 2006: 259)

I do not seek to get too deeply into the debates of this first understanding such as whether a particular scholar (such as E.H. Carr) does or does not belong within the grouping or it's actual "Englishness." I do this mainly out of concern for scope and not because this is not an interesting and important exercise, as who does and does not belong does have important implications on the boundaries of the theoretical framework. It is also important to note that, "the issue of the inclusion or exclusion of one particular scholar or another is not a very serious matter – for it would in any case be a mistake to think of the English School as a club-like entity demarcating its members *clearly* from the outsiders." (Linklater and Suganami 2006: 29)

The main understanding of English School that I ground this work in is the second understanding, of English School as a theory of international relations. Buzan uses the outline of Jackson as a brief sketch of the main points of English School theory as:



“a variety of theoretical inquiries which conceive of international relations as a world not merely of power or prudence or wealth or capability or domination, but also one of recognition, association, membership, equality, equity, legitimate interests, rights, reciprocity, customs and conventions, agreements and disagreements, disputes, offenses, injuries, damages, reparations, and the rest: the normative vocabulary of human conduct.” (Buzan 2001: 6 quoting Jackson 1992: 271)

This serves as a brief outline of the main distinctive quality of English School theory.

In particular Buzan points to: “Two core elements define the distinctiveness of the English school: its three key concepts, and its theoretically pluralist approach. The three key concepts are: international system, international society and world society.” (2001: 6-7 citing Little 1995: 15-16) And it is these core elements that I will refer back to in both the design and analysis of this study. This structure of the three pillars is a key concept of this work, as I base my analysis around the cleavage between two of those pillars.

In Buzan’s analysis English School Theory can be conceived of a bridge between the classical divide within international relations theory between Realism and Idealism using the international legalist thinking of the Dutch philosopher Hugo Grotius. Rather than taking the claims of Idealist thinkers such as Kant or Realist thinkers such as Hobbes as mutually exclusive English School theory sees a pluralism of ideas and interconnected pillars that use the analysis provided by these thinkers and suggests that instead of negating each other they can all be used to explain different aspects of international relations. (Buzan 2004: 6-10)

This leads to a structure posited in English School theory in which there are three pillars that underlie international relations. The international system in which states are

seen as dominant actors operating mainly based on a calculus of power consideration vis-à-vis other states based on realist thinking. A world society in which people are the underlying actors and interact more directly with each other as posited by idealist thinkers. And finally, an international society where the historical connections and diplomatic contacts of states lead to a series of historical norms that have impact on state actions outside of a simple power calculation which is the English School main contribution and concern with developing theoretically. (Buzan 2004: 6-10) While the International Society is seen as the main concern of English School theory it is the World Society pillar that is most in need of attention. Buzan states that, “For all of its many attractions, English school theory is neither fully developed nor without problems, many of which range in one way or another around the weakly developed world society pillar.” (Buzan 2004: 15) I would say this is a fairly accurate part of Buzan’s reformulation and think that it is safe to say that at worst it is a worthwhile part of English School theory to explore further.

World Society is seen as the group at which people can interact more directly with each other, or at least without the filter of states between them. This can happen in a myriad of ways, through direct participation in civil associations, through media, Internet message boards or even through more sinister activities discussed later on in this work. It is defined mainly by the absence (or at least the lack of predominance by) the state in the interactions of people in other parts of the world. (Buzan 2004: 10-23) The design of the concept of world society may be what makes it so underprivileged as it is the remainder from the rest of the English School equation. What ends up being put under the heading of “world society” has only the minimum requirement of being a non-state interaction.

This means that it can end up having disparate actors within it having nothing else in common. Even if it is not the central problem of English School theory it is certainly the least developed part of the theory. It could be argued that this is by design. The world society concept is at best messy and it is meant to be so, it is the remainder of the equation. Even if it is meant to be messy to an extent there is no harm in tidying the mess somewhat, not doing away with the complications through over simplification but to at least take a look and see if some cataloging of those complications can't help us better understand the mess.

English School theory presents both an accurate picture and the tools to refine and add focus to that picture of how the world interacts. The attraction of English School theory is that "The English school's triad of concepts exactly capture the simultaneous existence of state and non-state systems operating alongside and through each other, without finding this conceptually problematic." (Buzan 2004: 3) So my interest in looking at non-state actors is one based on policy considerations, but also a deeper one of attempting to test the borders of these three pillars. The focus on these two sets of actors in particular presents the potential to explore the little explored border between international and world societies (Buzan 2004: 20-21). As actors in this part of the three pillars become more prominent in discussions within international relations theory as a whole, particularly in the context of the ongoing debate about the nature and scope (or indeed the existence of) globalization then the development of this pillar is crucial for the English School to continue its relevancy to the broader field.

Buzan suggests that the problem with World Society has been that, "World Society has been the Cinderella concept of English school theory, receiving relatively

little attention and almost no conceptual development. To the extent it gets discussed at all, it is in the context of other concerns, usually, but not always, human rights.” (Buzan 2004: 11) While I repeat the ‘mistake’ in my focus on human rights, it is because I am learning to crawl before I walk; as such I am exploring the most obvious problem in order to learn how to sound the deeper depths of questions in other contexts of world society. I think this can be defended as Buzan suggests, “English school writers have used world society as a place to deposit all the things they did not want to talk about.” (Buzan 2004: 28) While I continue to talk about it with the same concerns of the past, I am placing it in a position of importance in the study, which improves upon past neglect.

Furthermore the issue of human rights provides a nice point at which English School theory can dovetail into the wider globalization debate. Aside from the internal concern of keeping English School up to date, it also has a lot to add to the debate, particularly on the issue of human rights, which Buzan suggests is a longtime concern of the school, he suggests this as a weakness but I would suggest from this angle it could be thought of as a strength. Even if this rising importance turns out to be a flavor of the week (or generation) there is still good reason to explore it, in that:

Even if the current assumptions about the rising importance of world society are wrong, the English school still needs to sort out the concept, partly in order to come to a judgment on the matter and partly to move to completion in the development of its distinctive theoretical approach. (Buzan 2004: 11)

Besides the theoretical concern there are also immediate benefits to looking into this problem, by studying this debate I work towards the possibility that, “At the other end,

there is a strong and persistent progressive concern to improve the condition of world politics by getting practitioners to change their conceptual maps of world politics towards more enlightened forms.” (Buzan 2004: 14) This is an increasing concern because we see the rise of more violent world society actors and perhaps by adding clarity to one part of the concept we can develop tools to analyze and add clarity to other actors and the concept as a whole.

I seek to find ways to add resolution to this debate or at least to break the pattern of the steps and get the actors to think about why they move as they do. By looking at how these two sets of actor’s debate I hope to find ways of breaking them out of it. At the very least I am exploring an underdeveloped part of the theory, while I may not be clearing up the muddy bottom of world society, I am at least putting some of the bigger bits of muck down there under the microscope. And my focus on human rights provides a point of purchase on which to bring English School together with the wider field for this immediate project. There is also a broader goal of developing some analytical tools for looking at other such intractable debates, ones with perhaps more dire consequences, and allowing for greater understanding of those debates.

### ***Family Trees***

There are three levels or questions that I will look at using the framework of international and world society and hoping to add some greater understanding to that framework. So to capture those things on a slide, I take as the starting point the superficial level of the argument; the statements on each side, I hope to peel away layers of the argument and show how each side of the argument can be traced back through

other philosophical points of contention. Going back through different theoretical levels I hope to show the two sides emerging as two separate “family trees” on a number of fundamental questions. This is my basic design because, as Buzan and Little suggest:

Identifying different levels of analysis represents an important methodological procedure for anyone interested in how reality is structured and organized. It is not unique to the study of international relations, and can be found in most of the natural and social sciences.” (Buzan and Little 2000: 69)

By looking through these different levels I hope to explore the idea that this pattern is not the result of different evaluations of particular events but of a much deeper-seated divide, one that cannot be bridged by just keeping the discussion following the same pattern.

The idea of these family trees is that by tracing through the different levels we can see that the answers on any given question are predictable by a deeper seated philosophical divide which color the answers that members of different trees will have on any given question. We could trace it through a number of different philosophical questions behind the analysis of actors in each of the groups we are interested in. Ultimately the root question upon which these trees split will be consequentialism vs. deontologism: the question of whether it is ends or means that matter most to the actor. We get closest to this on the question of the basis of rights in this study. So generally throughout each of the three levels of the trees that we are looking at we would expect the answers of one tree to fall generally towards consequences and the other towards other considerations. My prediction is that policymakers will generally be more consequentialist as they have greater constraints and greater accountability in the form of

constituencies. They must worry about losing their job if the results of their policy are not good. For non-governmental actors they do not have such a level of direct accountability, they are accountable to a set of principles that led them to join their organization in the first place and is made up of like-minded people. They certainly have constraints but their constraint is to advocate effectively for their cause, the outcome of which is much more subjectively judged.

For example a human right researcher who fails to get a particular prisoner of conscience who has been imprisoned for decades released has not necessarily failed at their job in the eyes of their constituents. However a lawmaker who votes for a policy resulting in x number of soldiers dead and nothing to show for it likely will face consequences at the polls. This is not to say that non-governmental actors don't have people to which they answer, just to suggest that expectations being lower and their accountability being much farther removed they face much less immediate consequences for their actions.

It is this immediacy of accountability that will lead to the divisions along family trees. Indeed we could probably trace the divide back further than this point through all of western philosophy back to the works of the Socratics along a series of philosophical divides tackled throughout western history. However the purpose here is to illustrate the trend, not to prove the statement that, "The safest general characterisation of the European philosophical tradition is that it consists of a series of footnotes to Plato." (Whitehead 1979: 39) Though I have not quite understood that statement fully, as it is meant to say that there is some of Plato's thought to be found as the basis for most philosophically work, and footnotes being where one puts one sources rather than ones

ideas surely it should read that Plato is the footnotes to the European philosophical tradition. Whichever way we want to formulate it the point remains that there is a more deeply rooted philosophical divide between certain groupings of people. And it is my expectation that this divide between actors in world politics parallels a divide between the previously discussed international and world societies.

We will analyze this debate through three levels to focus on what's going on beneath. The first layer I will look at comes at the largest divide within English School Theory, the question of the relationship between order and justice in international relations, drawn largely into the two camps of Pluralism and Solidarism. Coming directly from the problems discussed in that level, I then lead into the next level of analysis, the question of moral agency in international relations. This question will look at who actors think can act as moral agents or who they ascribe moral agency to. The final level of analysis will then turn to the underlying philosophical debate on human rights, and explore the question of what basis there is for human rights.

If the idea of the family trees holds up through these three levels then we would expect the two groups to follow this pattern through each question:

<b>Actor (root idea)</b>	<b>Moral Agency</b>	<b>Order vs. Justice</b>	<b>Basis of Rights</b>
<i>Policymaker</i> <i>(consequentialist)</i>	Skeptical	Order over Justice	Rights should be grounded
<i>Non-Governmental</i> <i>(deontological)</i>	Agent of Last Resort	Order and Justice both considered	There are no grounds, pragmatism



The preliminary logic of why these groups will answer these questions will be discussed more in-depth at the end of each of the following sections introducing each question.

Briefly however it is predicted that policymakers, with a greater burden of immediate accountability will at each question seek to stress the answers that most benefit the state and least complicate the obligations of the state. This is why they will be skeptical of moral agency of any set of actors, acknowledging that question would potentially obligate the state to take certain actions that might not be in its interests. Likewise they will stress the maintenance of order as their overwhelming prerogative, as questions of justice introduce another level of complication to policy. And finally on the basis of rights they will seek a codified framework on which to answer such questions. On the other side of the equation non-governmental actors will seek those answers to each question that best meets their needs, which is to advance a particular cause, in this case-study human rights. That is why they will be more likely to appeal to any agent that will advance their cause, will emphasize justice as important as order, and seek to reject a codified grounds that limits their strategic options on the question of the basis of rights.

I suggest here that this divide is more deeply understood as a question of consequentialism vs. deontology as one possible way of understanding the deeper-seated divide. The point though is not resolve what the divide ultimately rests upon but to illustrate that such a divide exists and that it evidences the fact that these sets of actors can illustrate the efficacy of the divide between international and world society. There are any number of other possible ways to see the ultimate philosophical cleavage between these two groups. We might see it as an ontological question of what these two groups

see as ultimately meaningful in the world. This leads to another obvious question of this divide of what would lead actors within these two groups to so predictably follow such a divide that may be seen as a question of agent vs. structure.

On the one hand it could be suggested that people of a certain way of thinking are attracted to a career in one of these areas and this is why we see this treelike structure. On the other hand we might suggest that the structure leads to actors within it having a particular view of the world. The more likely answer is that both things are happening and the question is further complicated by the fact that each group of actors behavior is actually more complicated than this internally and that there is often a great deal of crossover between the two groups, with ex-policymakers joining NGOs and members of NGOs later going to work for government. These complications will be discussed later in the study however the point of introducing these ideas here is to illustrate that this philosophical cleavage is predicted to exist but also to clarify that rather than seeking to reconcile the ultimate grounds of differences between political views or solve the agent/structure dilemma the scope of this project is to illustrate that it exists along this axis and to analyze what that means in a more immediate sense for these two groups and how they function within world politics.

In the rest of this chapter I will move on through these different levels. For simplicity I will label the two sides of the argument Tree A (Policy Makers) and Tree B (Non-Governmental Actors). This chapter will lay out the direction that each tree is expected to take at these different levels and is by design meant to be fairly general in lumping the actors into one side of an argument or another. Once this is laid out it will be tested in subsequent chapters whether the members of each group fit neatly into their

trees or not. It is meant to be a chart of debate to get us started, I will worry about the messy bits later on.

### ***Order and Justice***

To begin toeing the line between the international society and world society an important place to start is learning how the two sets of actors view the relationship between order and justice. This is a central question for English school tradition and is the first layer in probing the deeper divide between the activist and policy worlds. Buzan (Buzan 2004: 60-62), along with constructivists interested in English School theory (Reus-Smit 2002: 501-502), are critical of this divide suggesting that it does nothing productive. Buzan and others suggest that this divide is too inward looking of the English School and does little to expand the reach of the school outside its own borders and while it may provide interesting points for theoretical discussion it does not offer any greater understanding of the divide between international and world societies. However I include this as one axis upon which this study is conducted partially to test that suggestion. One of the bases that Buzan suggests for understanding the English School is as a portrayal of how those engaged in international relations conduct themselves (Buzan 2004: 28). As this study seeks to analyze actors within international relations it is worth mapping whether there is truly a divide that exists on this question, and then to explore what that tells us about the validity of the question.

A first step is looking at which aspect an actor will stress when asked about order and justice. To explore the divide between order and justice I will start with a sketch of

the Westphalian system and how the interaction of states is theorized in that form.

Exploring which of those answers an actor is likely to prefer is an important first step in understanding their interaction. This provides a simple first test of the validity of English School's analytical framework used in this study as our background.

Hobbes lays the groundwork for how the Westphalian system is to work. We can trace the idea of the system of states to Hobbes; he lays out his plan for a state or commonwealth as a way for men to ensure peace and order:

But as men, for the attaining of peace, and conservation of themselves there, have made an artificial man, which we call a commonwealth; so also have they made artificial chains, call *civil laws*, which they themselves, by mutual covenants, have fastened at one end to the lips of that man, or assembly, to who they have given the sovereign power; and at the other end to their own ears. (Hobbes 2001: 69)

This then provides the basis for the system of states, the concept of sovereignty, and the foundation of what was long the dominant strain of international relations, realism. In the world of Hobbes domestic order is the highest good and states do what they must in the maintenance of that order, internally and externally. While this may have been preferable to the chaos and turmoil of Hobbes' times, it is the basis for a system with its fair share of trouble.

Walzer emphasizes the importance of understanding how power is distributed. On a domestic level we must first face the problem of how decisions are made and how power is wielded. This is essential to understand because as Walzer notes:

For this is not simply one among the goods that men and women pursue; as state power, it is also the means by which all the different pursuits including that of power itself, are regulated...it guards the boundaries within which every social good is distributed and deployed...hence the simultaneous requirements that power be sustained and that it be inhibited: mobilized, divided, checked, and balanced. (Walzer 1984:281)

While we can note that, "Sovereignty by no means exhausts the field of power, but it does focus our attention on the most significant and dangerous form that power can take." (Walzer 1984:281) So sovereignty presents us with a double-edged sword when it comes to the idea of justice. Taken to the level of the International we can say that justice is ensured when all states are just, this certainly presents a good solution, but we can observe that in reality this is not actually the case.

Elitism can present a challenge to our understanding of power. Again turning to Walzer we can observe one possible obstacle to ordering power in a just way domestically,

Wealth or talent or blood or gender colonizes state power; and once it is colonized it is rarely limited. Alternatively State power is itself imperialist; its agents are tyrants in their own right. They don't police the spheres of distribution but break into them; they don't defend social meaning but override them. (Walzer 1984: 282)

Indeed we need not limit this observation to only domestic justice, as it presents a strong reason it is so difficult to attain at the international and world level as well. We can however observe that"... the strong state is not necessarily a threat to the rights of the

individual." (Brown 2001: 245) Brown notes this suggesting that there is nothing inherent in the concept of sovereignty that will lead to its abuse.

Globalization presents another challenge to the states system. At the same time Brown leads us to the potential problem in seeking to ensure a just system in this way, addressing the issue in terms of the difficulties posed by globalization he suggests:

If strong state authorities are the solution to a great many of the ills of globalization, does this not constitute an endorsement of Westphalian norms, of the rights of states in a sovereignty-based system? No, because the sovereign state is not a synonym for the strong state. The possession of an effective administration and bureaucracy, the ability to shape events in the public interest and to shield one's people from the worst consequences of uncontrolled market forces is only contingently related to the legal status of being sovereign. (Brown 2001: 245)

Again we come to Walzer's observation about the interests that will colonize power within the state. What we then see is a system of these states where *raison d'etat* rules and states are left to pursue their own interests (really those of whatever form their rulers takes). And the only mitigating factor is a balance of power.

Wight suggested that the only thing that is new about the system is the history we don't know. This then leads us to look at viable solutions to the problems presented by this system. What we see then is that the system provides a poor enforcement for justice and gives us few tools for the mitigation of disorder. Discussing the analysis of Martin Wight, Andrew Linklater suggests that:

Martin Wight did not advance the comforting thought that the modern states system would be the first to break the mould. His argument was that every states-system ultimately rests upon a balance of power, which is inherently unstable and is eventually destroyed by the struggle for domination (Linklater 2002: 322)

We are presented here with the structural problem, and an inability to ensure order in the system. There is not, sticking strictly to a system, a great hope that the outcome of this system will be any different from the outcomes of similar systems in previous eras; injustice, war, and eventual collapse.

Bull suggests that international order is an imperfect solution at best. We can then move to a moral problem that it fails to ensure justice both within and between states.

Bull argues that:

... international order is preserved by means which systematically affront the most basic and widely agreed principles of international justice...the institutions and mechanisms which sustain international order, even when they are working properly, indeed especially when they are working properly, or fulfilling their functions—necessarily violate ordinary notions of justice. (Bull 1977:87)

Combined then we have reasons to doubt the usefulness of the states system whichever dimension of the order/justice scale we may wish to measure it upon. On the one hand we have the seemingly inherent disposition to instability between states and a failure to ensure justice. By this account it is neither a good tool for achieving order, nor justice.

While our states may not be a perfect system they do allow for some important functions to occur for the good. At the same time it is possible to see some good with the system, and regardless of its problem it is still the starting point that we have. Brown suggests that while we can point to problems there are some qualities to recommend it, or at least legitimate it.

We may live in 'communities of fate' thrown together by accident—and given the arbitrariness of borders all communities were once accidents in this sense, however long established they may be—but we have had the possibility of becoming a 'people', of forming ourselves in some distinctive way in response to values we believe ourselves to share.

(Brown 2001: 225)

He suggests that if we hold to the idea that people have a right to organize themselves into a political community then we must proceed carefully in assessing ways of making the states system better meet our needs for order and justice.

Indeed Williams suggests that there is a case to be made that borders have moral value in themselves in that they provide this space for peoples to form and govern themselves. He suggests that:

The need for meaning in life through membership of a community and the opportunities that this offers for properly political action give us grounds to take the ethical significance of territorial borders seriously, and not to see them as possessing merely contingent significance. (Williams 2006: 114)



He observes that borders might not be seen just as unhappy accidents but as essential for providing the spaces in which a plurality of communities and peoples can coexist in a manner approaching peaceable.

Other arguments are made for the essential nature of the state; “States are thus crucial in shaping the social bonds which exist at any given time and in any given space. They alter the relationship not just between insiders and outsiders, but between citizens and the state.” (Devetok and Higgott 1999: 488) Essentially they provide the basic building blocks upon which we have to work. We cannot start from some theoretical points, and pointing out the injustices and ironies of the past upon which the system is built does not change the set factors of the system.

We have a question here of how to order these communities domestically, criteria by which we can judge that such a community has been formed. Mayall suggests that, “When citizens aspire to rule the state on their own behalf – and this is what the doctrine of popular sovereignty implies – they must develop procedures for expressing their corporate personality and resolving conflicts between their individual interests and a putative national interest.” (Mayall 2000: 30) This points us towards a discussion outside the scope of the current discussion, but one worth bearing in mind. The idea of constructing a just system of states would rely upon those states finding a way to order themselves as such, but do so with the tools to hand, namely those communities such as citizens find themselves in.

Parallel to this it can be said, "the boundaries that exist at any moment in time are likely to be arbitrary, poorly drawn, the products of...wars. The Mapmakers are likely to have been ignorant, drunken, or corrupt. Nevertheless, these lines establish a habitable

world." (Walzer 1985: 171) He suggests this is important because, "Rights in the world have value only if they also have dimension." (Walzer 1985: 172) Essentially rights do us no good as conjecture or theory; they are sets of practices that must have an actual place in the world where they might be exercised to have true meaning. Rights do no one any good if they cannot be exercised, no matter how well developed or eloquently argued. This is why we must then accept some unjust spaces, because they provide a community in which rights are exercised and given dimension.

While the history of borders may not be as glamorous or epic as many national narratives would have us believe, they have an important role nonetheless. Brown summarizes this point slightly more in-depth:

Initially, borders simply enclosed the dynastic lands of the rulers who established the system, but with the rise of national states in the nineteenth century borders took on a new significance; it became thought desirable that borders should be drawn on national lines, and correspond to 'natural' features or historic frontiers—these criteria were, of course, not necessarily compatible. Borders, which enclosed 'citizens', were more significant politically and morally than those which had previously enclosed 'subjects'... (Brown 2001: 179)

There needs to be an entity that in order to enforce our notions of justice, and our current system of states for its faults, does this better than it has been done before. He further suggests that just societies where we see them are a fragile enough thing, "Most societies have valued order above either economic growth or political liberty and so have most people-civil societies are rare entities which will do well to preserve themselves from

their internal and external enemies." (Brown 1999: 122) And as such should be built upon rather than cast away as part of a failing system.

Saying that there is good in a system does not mean that we should not find ways to better it. There is another reading for the persistence of this system as well though, one that does recognize the things the system does, without suggesting this means we should stick to it without trying for something better. Susan Strange observes that,

The fact that the system survives despite its failures only shows the difficulty of finding and building an alternative. No one is keen to go back to the old colonialist empires. And though Islam and Christian fundamentalism make good sticks with which to beat the western capitalist model, the myriad divisions within both make any kind of theocratic-religious alternative highly improbable. (Strange 1999: 346)

She suggests that, "When I say that the system has failed, I do not mean to say that it is collapsing, only that it has failed to satisfy the long term conditions of sustainability." (Strange 1999: 346) So while acknowledging some limited progress of this system we can still seek ways to improve upon it. She suggests that this is no easy task; part of the heartiness of the system is a dearth of viable ideas on how to fix its problems. Rather than not being fixed because it is not broken. It is not fixed for lack of the tools with which to fix it, this does not mean that we should accept it but should instead develop the tools, which might make for a more just and stable world. It is also not that there is a lack of ideas on how those tools might be designed, just disagreement on which if any of them to use. In English School theory one of the primary tools suggested towards this task is the international society, existing in parallel with the flawed system.

Bull presents the position that the system, its failings, and their ultimate solution are not rooted in an intractable incompatibility between the goals of order and justice, indeed the failing of the system on both counts point us in that direction. These twin goals can be achieved by a society, what we get to is a question of how to achieve it. Bull writes that:

There is no general incompatibility as between order in the abstract, in the sense in which it has been defined, and justice in any of the meanings that have been reviewed...there is no *a priori* reason for holding that such a society is unattainable, or that there is any inconsistency in pursuing both world order and world justice. There is however, incompatibility as between the rules and institutions that now sustain order within the society of states, and demands for world justice, which imply the destruction of this society, demands for human justice, which it can accommodate only in a selective and partial way, and demands for interstate and international justice, to which it is not basically hostile, but to which also it can provide only limited satisfaction. (Bull 1977: 89)

There is then no abstract reason why there should be this antagonism between these two goals, but the way our institutions are set up make it seem so. Even this tool then still leaves much repair work to be done.

In pointing to its positive features we should not react by suggesting it is perfect or that it is unchangeable. Returning to Strange she observes that we could respond by acknowledging the problems but accepting the system as good enough:

The two commonest reactions ... are either to deny the failures or to defend the dual capitalism-state system in Panglossian fashion as the best of all possible post-Cold War worlds, or else fatalistically to conclude that, despite its shortcomings there is nothing that can be done to change things. (Strange 1999: 352)

However to simply give up seems to call in to question what it is we hope to achieve by analyzing the system. She suggests that, "It is not our job, in short, to defend or excuse the Westphalian system. We should be concerned as much with its significant failures as with its alleged successes." (Strange 1999: 354) For every strength we see in the international system we can point to many, many failures that offset it. Simply saying that it could be worse is hardly reason enough to dismiss attempts to improve upon it, it is enough to warn against dramatic changes that could throw out the good features of the system with the bad.

Human rights could be a framework for this type of improvement. What this then brings us to is a question of how actors view the system and ways to address its deficiencies, specifically in the context of human rights. We get to this question as a first step towards understanding what it could be that brings them to this view. Conceptually human rights could be a framework for addressing the problems with the states system, it is the subjects' view of this method of addressing the systems failures this study hopes to engage with.

Looking at the methods they advocate sheds light on how they think the debate should progress. Subjects' views on the divide between order and justice could be a strong indicator of their views of what form of change that takes: human rights, status quo, or something else. On the one hand we have the pluralist contention that we can

work through states to address what they view as the problems with the system. If that is the case they may view human rights not as a way of overthrowing the system, but of tweaking it through internal state reforms to provide for greater justice. Vincent describes this as:

...a theme...that has human right not as a challenge to the system of sovereign states, but as something which has added to its legitimacy, merely requiring that the shape taken by the internal systems of the members...should be in some perhaps increasing degree similar.  
(Vincent 1986:151)

In this conception human rights are not a competing system but something to add padding in the messiness that is the states system.

Human rights in foreign policy are not just window dressing they are meant to be the foundation of the idea of sovereignty upon which states rest all their claims. Vincent suggests that:

Human rights in foreign policy are not merely about standard-setting, public pronouncements, quiet words with the minister about particular cases, or finding formulae for the pacification of noisy but unimportant domestic lobbies; they are also matters which affect the great purpose of the state in securing and nourishing its citizens. (Vincent 1986: 143)

They can then perform a necessary function within the states system to address the issue of stability.

The human rights regime that has developed since the Second World War can serve as a guide. Brown further describes this view, with specific regard to the human rights regime, the institutions that have been established, notably after the Second World War, which seek to enforce the standards of human rights internationally:

In principle, of course, the fifty-year-old international human rights regime is itself profoundly anti-Westphalian in so far as it purports to regulate the ways in which states are entitled to treat their own nationals; such regulation is consistent with some pre-Westphalian ideas about natural law and the limits on sovereign power, but, on the face of it, goes against the norms that were allegedly established in the mid-seventeenth century (although, as we have seen, what exactly those norms were is still a matter of debate). In practice, however, the human rights regime has been, until very recently, statist in its origin and modes of operation. It comprises Declarations made by states, Covenants signed and ratified by them and institutions subordinated to them. (Brown 2001: 217)

If our understanding of human rights is tied to the idea that they are a way of providing justice in a system that is otherwise largely devoid of it then this is a somewhat counter-intuitive assessment. This may be countered with the cynical assessment that human rights are nothing more than window dressing to legitimize this profoundly unjust system, and the fact that such charged and fundamentally anti-Westphalian ideas are propagated by western society is not particularly surprising. However if we were to view human rights claims not as reasons for throwing out the system but suggestions for improvement of it then this can be reconciled, if unartfully.

We must also understand that change can be a messy thing and must be careful that in our demolition of that which we don't like about a system we do not ruin the foundation of something that we seek to keep. Also rooted in this view is the belief that, "Politics present is the product of politics past." (Walzer 1984: 29) While we may in theory be able to conceive of better systems, we must get to them through the system that we currently have. Donnelly echoes this when he assesses that:

The centrality of the state as the standard bearer of duties correlative to internationally recognised human rights reflects not only its dominant place as an agent for delivering goods, services and opportunities but also its continuing role as the focal point of visions of political loyalty and community. (Donnelly 1999: 92)

What this suggests is that states are the focus of pluralists as a last-best hope for justice in the system not because they are the ideal actors to do so, but because they are the only actors we have to do so. And as Donnelly observes they have shown some progress in this direction, as "despite the cautions and complaints of realists, states continue to pursue moral objectives." (Donnelly 1999: 71) What we have then is what Vincent describes as a "counter theme of human rights consolidating the state rather than transcending it." (Vincent 1986:151)

We must look to a process that keeps the good while addressing the bad elements of the system. The question then is how this work can be furthered. An important first step in Brown's words is, "normative work in international relations needs to be able to distinguish between those non-liberal regimes which are simply criminal conspiracies and those which genuinely incorporate what Walzer would call the 'shared understandings' of



a society." (Brown 1999: 122) Rather than throwing out the good with the bad, we should instead focus our efforts on making those parts that are bad less so, and eventually better.

The suggestion that states have the potential to be moral actors for justice in the states system in particular throws up a few difficulties. Linklater suggests that states cannot be trusted with such a role.

What is striking about this analysis, and paradoxical to many, is the belief that the state should be regarded as a potentially progressive actor, as an agent of global reform, at the very moment when states appear to be losing several of their traditional powers in the context of geo-economic liberalism. Critics will argue that the state's will and capacity to promote global reform is in steep decline and its resurgence seems improbable. (Linklater 1999: 478)

While since that writing some would argue there has been resurgence in some states willingness to use their power, the point still remains in the arena of economics: even dominant states like the US have conceded trade oversight powers to the WTO. Even if we still accept the point of states having the power to do so, there is still skepticism whether they have the ability or the will to be moral actors. If they can be in both theory and in practice a moral actor then what does this mean for human rights? What state powers should be used in their advocacy if this is indeed what we want states to be doing?

Actors from a growing world society could potentially provide the influence needed to force the states to improve their system. Linklater concedes another possibility

that is more to the point of this analysis. He suggests that proponents of pluralism might invoke Global Civil Society as one way of enforcing moral standards on states:

One response to the apparent paradox that some look to the state for innovative policy at the very moment when innovative policy of the state seems to be trapped within global capitalism, is that international non-governmental organizations create new pressures for states by challenging the dominant power structure and the prevailing neo-liberal economic orthodoxy. Whether they are powerful enough to cajole states into playing the role of local agents of a world common good is an intriguing question. (Linklater 1999: 479)

This point brings us to the heart of this project. There is the question not only of whether Global Civil Society actors like those in the NGO community see themselves fulfilling this role, but also the question of whether they can effectively fulfill such a role.

Bringing about a radical change of this kind from the bottom up is precisely the type of change that a more solidarist conception would be likely to take. Wheeler suggests that, “The view of the moral possibilities of international society is challenged by the more radical – or solidarist – voice that looks to strengthen the legitimacy of international society by deepening its commitment to justice.” (Wheeler 2000: 10) It is seen here as the only way to increase the validity of an international society.

The end of a bi-polar system provides both reasons for hope and worry, in some ways we have lost a scapegoat for the lack of progress. Ultimately though for Linklater, this is not an effective way of amending the states system. Particularly following the fall of the Soviet Union:

Justice considerations have become more important with the passing of the age of bipolarity, reinforced by the evidence that inequalities of wealth continue to grow. New opportunities provided by the end of bipolarity exist alongside new grounds for despair. (Linklater 1999: 474)

Essentially with the greatly diminished threat of nuclear war we have an opportunity to move beyond systems that place such primacy on order because of the increased cost of disorder. We now have the opportunity to fix the mistakes of the past rather than continue with them.

Unfortunately there is a conflation in the current system of legitimacy with the fact that one happens to hold power within a particular state. A continuing barrier even without the extremes of bipolarity that Luban recognizes is that "...the recognition of a state as sovereign means in international law only that it in fact exercises sovereign power and it is hard to see how that fact could confer moral rights on it." (Luban 1985: 199) To this could be added the assessment by Walzer that, "Sovereignty systematically and fallaciously confuses a nation and its state, granting illegitimate states a right to which they are not entitled." (Walzer. 1985: 201) Again this gets back to the failing of seeing human rights through sovereignty as a solution, when you have states that do not ascribe to the system. If we hold that rights are universal we see the slate of problems that some denying their universality creates. This is a problem to the system whether it be made up of bi-, multi-, non-, or any other constellation of powers so long as they are premised on Westphalian notions.

We could suggest that states are needed to enforce the rights contract. Counter to this is the claim that rights, rather than being universal are instead guaranteed by the state, which is how the current system works.

If human rights are held universally – that is, equally and by all – one might imagine that they hold universally against all other individuals and groups. Such a conception is inherently plausible. It is in many ways morally attractive. But it is not the dominant contemporary international understanding. Human rights, although held equally by all human beings, are held with respect to, and exercised against, the sovereign territorial state. (Donnelly 1999: 85)

Again this is countered only by reasserting that just because it is the way things have always been done, does not mean that it is a particularly good way of doing it.

There are doubts as to whether there is political will to endure the changes necessary for the most radical claims for justice. However there are real barriers to a universalistic overthrow of the states system, such as the will for such a thing to occur. It is one thing to say that people are ignoring the problems of the states system or that they simply cannot see an alternative, but trying those alternatives would take an incredible act of political will that Vincent puts into perspective:

...our scheme is too demanding, making maximalist claims of a society that has repeatedly shown its ineptitude at handling minimalist ones. Thus it might be argued that a basic needs programme of this kind would require, from the western world, the equivalent of a Marshall Plan with no political interest to prompt it; from the Third World states, the equivalent of a

French Revolution with no elite interest to promote it; and supervision of the Third World by the western world amounting to neocolonialist interventionism just when the old colonialism was thrown off. (Vincent 1986: 148)

Alone each of these events represented the culmination of dramatic events that changed the system drastically, combined they represent a change that is almost unfathomable. Mayall suggests that, “An international society reconstructed on the solidarist principle of respect for human rights and democratic government would come close to being a world empire achieve by consent...” (Mayall 2000: 111)

But we need not try a thing just because we have trouble conceiving of it, and saying something has not been done before is not enough of a reason to say it should not be. However besides the scope of a universalistic endeavor there is the consideration of what such great changes would mean. Again in his assessment of Wight, Linklater brings up the following admonition.

...it is important to remember his [Wight's] claim that the modern states-system has known systematic war and international revolution in almost equal degree; our system has been unusually susceptible to the horizontal divisions that result from conflicts between transnational ideological or religious movements over universal political goals, and from messianic struggles which threaten international order by weakening respect for sovereignty and encouraging intervention. But pessimism is not the same as fatalism, and it must be stressed once again that Wight claimed order is not an end in itself, but potentially, a staging post to greater justice.” (Linklater 2002: 323)

So besides a lack of will to mobilize towards such a Universalist regime, there is the added *danger* that if that will were mobilizing, it could unleash more harm than good.

We could see international and world society in a number of ways, the first as the cushioning between states. Focusing our discussion upon international and world society in particular though, we are left with some competing conceptions of their roles. The first is what Vincent refers to as an egg-box conception where, "The general function of international society is to separate and cushion, not to act. It should not mistake itself for the civil societies of which it is formed." (Vincent 1986: 123) I believe this echoes the Grotian conception in English School theory, or Lockean conception that Buzan discussed (Buzan 2004: 6-10) While there are differences both conceptions emphasize the importance of creating and maintaining shared norms as a way of mitigating the harsher aspects of the international system. There is a distinction between the two in that Buzan seems to suggest this as being inclusive activity on the part of states to accomplish this, some 'confusing of themselves with the civil societies they represent'. Vincent's implication is that this occurs in a more structural fashion and is less inclusive.

It could be seen that world society exists despite the existence of borders. We have a second conception where, "World society...exists in virtue of a condition of interdependence, not cognition of it." (Vincent 1986: 124) This echoes I think the Kantian conception again from Buzan with its foundational link to normative theory and both seem to reject the ontology of states. Again though there seems to be some distinction in that Vincent suggests that this is more of a structural occurrence whereas Buzan at least analytically would be more inclusive to his conception.

World society could also be seen as the lacey frill put on an otherwise realist conception of International Relations. One final conception: "...the rationalized interests of winners, imposing obligations on losers." (Vincent 1986: 124) This conception would seem to me to be a very Hobbesian notion. Both thinkers stress for this category power among states being the ultimate arbiter and both clearly embrace states as the foundational actors. This conception is the closest that both thinkers get to a neorealist/realist framework.

We have then sketched out the basic theoretical arguments about how these actors might act and interact if we take as one important conception of English School theory being a framework of understanding how statesmen conceive of themselves. (Buzan 2004: 12) Taking a broad conception of the idea of "statesmen" what will then shed light on them is assessing how actors at work within international relations see themselves and each other. As Bull suggests, "When the merits of any particular case are considered, moreover, the priority of order over justice cannot be asserted without some assessment of the question whether or not or to what extent injustice is embodied in the existing order." (Bull 1977: 93) This leads us to ask then what case each of these actors advances and which of the (in)justices they advance, how do they assess the injustice Bull refers to in the existing system?

Tree A actors will tend towards an emphasis on order over justice; Tree B actor will fall towards equality of the two or primacy of justice over order. For Tree A, encompassing policy-makers they will most likely fall towards the primacy of order in international relations. While justice is assuredly a major consideration of theirs on domestic issues, one that might outweigh order on such issues, in the international it will

generally be their view that order is the dominant concern of foreign policy. Indeed many Tree A actors will likely not just suggest the primacy of order in international issues, but suggest that it is the sole consideration. That is to say, they will fall more towards the realist/Hobbesian axis or the pluralist debate. For Tree B actors, who in the first part would give primacy to individuals, will follow from this in giving justice a more prominent role, often one of primacy or equality to order. Indeed the acknowledgement of it as a relevant consideration will likely differentiate them from Tree A for the most part. They then will be more likely to advance a universalist/Kantian conception of their role, or fall towards the solidarist side of the argument.

Our limited examples up to this point can show where this prediction comes from. To illustrate this I would refer back to the example from the introduction of the statement by then-British Secretary of State for Defence John Reid:

The Government recognises that *all countries have the right to self-defence* under Article 51 of the UN Charter. However, as many countries lack the indigenous defence industry to manufacture their own equipment, importing other countries' equipment represents their *only realistic option to provide themselves with the necessary capability*. I believe that Britain, as a major importer and exporter, is well placed to *understand the interests and concerns of other trading countries*. We aim to champion the case for more open defence markets.

Here he emphasizes the *state's* right to self defense, and military being the only realistic option to provide themselves with the necessary capability, suggesting that their security



and thereby order in the international system are of primary concern to all states, one they must develop and one that others must help them develop.

This working hypothesis is premised on the conception that our Tree A actors, policymakers, represent actors of the English School's international society, while Tree B actors represent those of world society. It is predicted that if this is true, as we dust away this initial layer on our excavation of these philosophical genealogies we will find a pattern whereby the actors will choose to emphasize one side of this divide over the other. If as predicted Tree A actors represent an agent of international society then they will emphasize the order side of the equation. Likewise, if Tree B actors are agents of a potential world society then they will see justice as a equal if not primary concern.

### ***Moral Agency***

The same tensions are predicted to flow through all three levels of the question. An emerging tension from the previous level then carries over to the next. In assessing actors' views on the relationship between order and justice, there is a secondary question, which this evokes. As they place importance on order or justice actors will thereby tend to emphasize moral agency at some levels over others. This presents an obvious disagreement about the ground rules of human rights arguments between the two sides, 'who's to blame or who's responsible?' This is essentially a question of two parts, first can institutions have moral value beyond the collective moral value of their members, and second, if they do, which institutions then qualify (Erskine 2004:1-3). Obviously if

there is disagreement about who can be held responsible, much less who should be, it makes it very difficult to come to any kind of resolution on these issues. We have of course on one extreme the idea that only individuals can be moral agents and that any other agency is derived from that. This of course begs the question of on what basis individuals have moral standing, which I shall come back to in the next section. Of those willing to accept other actors as having moral agency there are two major actors that are relevant to this discussion: peoples and states. I shall start by tackling the latter. I do not exclude other potential candidates for any reason beyond being out of scope for the current project. While we might include other entities such as nations, genders, functions, religions or others they would stretch the current discussion too far.

States are the primary agents of study in IR. Despite a growing dissention, states have long been considered the primary if indeed not the only actors worth studying in International Relations. International Relations has long been dominated by Political Realism which is based upon the idea that:

...states are unitary and rational actors- a depiction based on an analogy with individual human beings drawn from microeconomics. Indeed, in contrast to the stark conceptual distinction between ‘natural’ flesh-and-blood individuals and groups espoused by individualists, much work within International Relations is premised on (often uncritically accepted) assumption of the ontological status and idealized capacities of those institutions known as states (Erskine 2004: 3)

This potentially suggests then a reification of state as primary actors by studying with the assumption that states are primary actors.

Where then do rights fit into a system of states? The problem then is how individual human rights fit into a system in which states are the basic units. This is only truly a problem if we acknowledge that rights of individuals are a concern. It could be held that states are the only valid rights holders and therefore there is no conflict between these levels on the question of human rights. But the most basic assumption of this thesis is that individual rights do matter and need to be given some sort of place in the system, and the goal is to work for a greater understanding of how we might best do that. The most common answer is that they fit in as a concern of a legitimate state, indeed as what legitimates a state: how it treats its citizens. This then leads to a discussion of how exactly one differentiates between legitimate and illegitimate states, and of course who does this differentiation. The difficulty of answering this question often leads to blind eyes being turned; no one asks questions of what others are doing for fear of having to answer those questions themselves.

Majority support can be a too-easy substitute for legitimacy. A simplistic answer to the question of legitimacy might be that a government is legitimate so long as it enjoys majority support. The problem with the idea of majority support is most vividly encapsulated in times of civil war, times during which according to Michael Walzer,

In Most civil wars, it just isn't possible to determine whether the government or the rebels (or which among the factions of rebels) has majority support. Most citizens hide if they can, or pretend to support whatever forces control the territory in which they live, or they try to guess who will win and join the winners as early as possible. (Walzer 1984: 229)

Obviously the case of civil war is a case of the extreme; however this is often the time at which we see the most brutal abuses of human rights, and the time at which the legitimacy of a government is most in question, if a framework cannot deal with this worst case then it isn't really all that useful.

A better formulation may be to look at the 'fit' of a people and their state. This leads Walzer to what he describes as "fit" between a state and the people it governs (Walzer 1985: 281-284). This is the idea, that people through shared exchanges build a legitimate political community; their peaceful participation in this community legitimates their state, not doubtful claims of popular support. However it becomes difficult to tell the line at which there stops being a fit as Walzer puts it:

As there are, in principle at least, things that money can't buy, so there are things that the representatives of sovereignty, the officials of state, can't do. Or better in doing them, they exercise not political power properly speaking but mere force; they act nakedly without authority. Force is used in violation of its social meaning. That it is commonly so used should never blind us to its tyrannical nature. (Walzer 1984: 282)

How then are we to determine at which point the representatives of a state begin to do these things that they cannot? Is stability or perhaps just an absence of acts shocking the global conscience an acceptable point? What Walzer describes as happening during civil war can indeed be what happens even in a "peaceful" state or well fit state, where it is fear not the legitimacy of the government that keeps the population in line. As Rousseau

put it, "Men live tranquilly also in dungeons; is that enough to make them contented there?" (Rousseau 2001: 82)

Walzer fits a fundamentally pluralist conception. Walzer fits within the tradition of Locke in that he does allow that a people should be able to overturn an unjust government; however his conception is still fundamentally based upon a conservative conception of the state in which we should err on the side that a stable state represents a fit with political community. He does not apologize for tyranny, "Thomas Hobbes argued that tyranny is nothing but sovereignty misliked. That's not inaccurate so long as we recognize that the misliking is not idiosyncratic...it derives from a shared understanding of what sovereignty is and what it is for." (Walzer 1984: 282) However his understanding of sovereignty and its fit with a political community still seems rooted in the borders of nation-states as we see them, "Good borders make good neighbors. But once an invasion has been threatened or has actually begun, it may be necessary to defend a bad border simply because there is no other." (Walzer 1985: 172) The state builds the political community and inasmuch as it does that well it may be considered legitimate. This does not sit well with all and leaves too much leeway for abuse of human rights, which leads some to look for another test for the legitimacy of a state. This is that it represents a "people".

Luban would suggest a more solidarist solution. He contends that "the nation is prior to the state. Political communities, not sets of atomic individuals, consent to be governed." (Luban 1985: 203) Instead of Walzer's conception which will err on the side that a stable state is a representation of a stable political community, Luban contends that this puts the cart before the horse, that it is a people that determine a state not the other

way around. He does not tie that people to any particular case, it might be a historical people, an ethnic people, or a diverse people that come together for some other common purpose, but it is they that come first. The problem with conceiving of things in the other direction is that as Luban says:

...Walzer is right that the lack of fit between government and people should be 'radically apparent' to justify intervening, because intervention based on misperception is horribly wrong. But what does it take to make things radically apparent? In my view, Walzer's rules of disregard set the threshold too high: what he calls "ordinary oppression" can make the lack of fit apparent enough. (Luban 1985: 241)

The threshold for what is radically apparent then becomes a question, as Mayall suggests, "Only in international relations does the concept of intervention maintain its sinister reputation." (Mayall 2000: 126) Part of the reason this is so he says is because, "It is only when a doctor embarks upon a treatment expressly against the will of the patient that intervention becomes problematic." (Mayall 2000: 127)

Another proponent of the primacy of peoples not states as the major actors in international relations is John Rawls, he hits upon the most apparent differentiation between a state as tyrant and a state as a representative of a people when he states that:

How far states differ from peoples rests on how rationality, the concern with power, and a state's basic interests are filled in. If *rationality* excludes the *reasonable* (that is, if a state is moved by the aims it has and ignores the criterion of reciprocity in dealing with other societies): if a state's concern with power is predominant; and if its interests include such

things as converting other societies to the state's religion, enlarging its empire and winning territory, gaining dynastic or imperial or national prestige and glory, and increasing its relative economic strength- then the difference between states and peoples is enormous.

(Rawls 2003: 28)

In hindsight it is often clear when a state turns this corner however at the time it is often more difficult, leaders will always claim that what they do is for the good of the people (often the more strongly they claim to do so, the less true it seems) however it can be difficult to say when this corner has been turned, particularly when the leader who does it has lots of bombs at his disposal. To say it is difficult though is not to say that it is impossible, and this perhaps gives us a clearer, and for many, a more reasonable test of when a state is no longer legitimate.

The idea of legitimacy also leads to questions of how elitism works in a society. Somewhat conversely to the initial supposition that it is popular support which can make or break the legitimacy of the state, Rawls' idea of power primacy can often (indeed most often) mean that the illegitimacy of a state or its actions as representing the people can come with that people's full or at least tacit support. It is Walzer who perhaps best sums up this point, although it is counter to his claim, "Ostensibly, they act on our behalf...but...most of the time, political rulers function, in fact, as agents of husbands and fathers, aristocratic families, degree holders, or capitalists." (Walzer 1984: 282)

Rawls also emphasizes this other side of moral agency of peoples, not just as bearers of rights, but as bearers of duties. "A people's right to independence and self-determination is no shield from that condemnation, nor even from coercive intervention by other peoples in grave cases." (Rawls 2003:38)

This then leads us to our final position for consideration of individuals as the primary moral agents in international relations. Mervyn Frost's constitutive theory recognizes all the agents mentioned so far inasmuch as they are constituted in practice as being moral agents. However it is the recognition at the individual level, which is the basis for other agents:

In order to be recognized as a state, a polity must be one in which the people recognize each other as citizens in terms of the law which they in turn recognize as being both constituted by them and as constitutive of them as citizens. In a patriarchal state the people see themselves as subject, not as citizens. In an authoritarian state the people see themselves as the oppressed ones, and so on. An autonomous state is one in which the citizens experience the well-being of the state as fundamental to their own well-being, just as a member of a family experiences the well-being of the family as essential to his (or her) own well being. Thus a threat to the autonomous state threatens a citizen directly. (Frost 2001: 152-153)

Again Frost gives way to the fact that he is talking in the ideal case, the legitimate autonomous state, however he states here that such a state and the citizens that make it up are one and the same, as it is their practice that has constituted the state. Then to threaten their shared practice is to threaten their way of life, and they are called upon by their duties to act. All threats (or all actions) make claims upon the individual if they threaten those practices in which one participates.

Practice then is the key to understanding the legitimacy of communities. Frost differentiates this shared practice from Rawls and Luban's people and Walzer's political



community in that it is not reducible to some base agent but to some base practices between those agents, their common will:

It is important to notice that what is being recognized where states recognize one another's sovereignty is not the rights of the individuals in the states to form an association (where the rights are envisaged as existing apart from and independently of the state in question). What is recognized (or not) is a common will in terms of which the people involved reciprocally constitute one another as, amongst other things, rights holders by recognizing each other in certain specified ways. (Frost 2001: 156)

It is for this reason that the power primacy that Rawls discusses is wrong, not because it represents a state not acting for a people, or perhaps not just because of that but also because, "Where one state seeks to conquer another it does not merely supplant the government but inevitably seeks to place the people in the target state under domination. It seeks to change them from citizens to subjects." (Frost 2001: 156) This kind of forced statehood rarely works because, "Just as a marriage made under duress (the so-called shotgun wedding) does not establish a marriage properly so-called, in like manner a state-like structure forced upon a people will not establish a fully fledged state." (Frost 2001: 207) This is because it is the shared practices between individuals making up a state that will make it a legitimate state.

Looking solely at individuals introduces its own set of problems. The problem however with reducing everything down to the level of the individual, even if the practices between those individuals allows as Erskine argues, "...if only individuals, and never institutions are seen to be moral agents, the possibility of assigning responsibility

for some actions is lost.” (Erskine 2004:7) If we conceive of the state as only the sum of a community of individuals then all of those individuals are then accountable for the actions of that state. This is a position that is, if not impossible is at least impractical and probably nonsensical to most. While many would say that compliance or a lack of opposition to immoral policies or practices can make individuals partially culpable, few would argue that we should be taking entire populations before the Hague for their state’s policies. More often it is those leaders who undertook specific policies that are held accountable (Nazi leaders at Nuremburg, Milosevic, etc.). There are some problems that are more than the sum total of just the actions by individuals.

The problem of agent of last resort is introduced. The outcome most often is that there is no clear conception by any actors in the policy arena of who they want to hold are moral agents and who they don’t. While it is fairly easy to say that most policy makers (Tree A) will contend that States are the primary actors in International Relations, it is less clear who they would hold to be the primary *moral* actors in International Relations. On the other hand in the case of non-governmental actors (Tree B) it is also unclear whom they conceive to be the moral actors in International Relations. Again looking briefly over their websites we can find several examples where NGO’s are calling upon moral actors at different levels for different issues. For example:

“Amnesty International calls on all Members of the General Assembly to...”

(<http://web.amnesty.org/library/Index/ENGIOR410702005> 17.11.2005)

“Amnesty International and Reprieve today called on the US government to...”

(<http://web.amnesty.org/library/Index/ENGPOL300342005> 18.11.2005)

“[Human Rights Watch] write[s] to urge that during [President Bush’s] visit to China...”

(<http://hrw.org/english/docs/2005/11/16/china12043.htm> 16.11.2005)

Depending on the issue non-governmental actors appeal to whichever agent they believe can be held accountable, undermining any consistent belief in moral agency lying at a particular level. This could be a clear demonstration of what Erskine refers to as an “Agent-of-Last-Resort” Problem (Erskine 2004: 7-8), when there is no clear conception of who the moral agents are, appeals and blame end up going to any which agent fits the bill.

It may not be that agent of last resort is an incoherent problem. This can or cannot be viewed as a problem however. Frost’s constitutive theory offers us a way out:

...for any individual or multi-person actor to maintain his/her/its standing as an actor of this or that kind, the actor in question has to uphold some or other plausible interpretation of the embedded ethic of the practice within which he/she/it has been constituted as an actor.

(Erskine 2004: 94)

This might be viewed not as a case of agent-of-last-resort problem, but as a coherent constitutive theory in which those actors that practice in the particular instance should be held accountable, are the accountable agents.

Policymakers will emphasize skepticism of agent and will stress state agency when they do; Activists will tend to fall towards agents of last resort. The predicted

framework then for this study is as follows. For policy makers, those actors falling under Tree A, they will most likely fall towards skepticism of any agents in the first case, of those Tree A actors that are willing to admit to the legitimacy of corporate moral agents. For Tree B actors in the non-governmental sector they will most likely fall into a framework of agent-of-last-resort or constitutive agency in the first case. To relate this back to the first example from the previous section I would point to the focus of Amnesty on the costs borne by individuals, "The issue is simple. The unregulated supply of weapons makes it easy for criminals to murder, for soldiers to kill indiscriminately, and for police to *arbitrarily take lives*...And in the wrong hands, faster and more powerful weapons mean more abuse and more *wasted lives*." And the emphasis of who they see as responsible on different levels for these lives, "The flow of arms to *those who openly* flaunt international human rights and humanitarian laws is being ignored by *many governments and companies*." Then again they return to emphasizing what they threaten and where. "Their increased availability threatens *life and liberty in communities and cities around the world*." The cost of lax arms control in their view is *lives*, furthermore these are often arbitrarily taken. It is primarily the responsibility of individuals flaunting human rights and international laws, but implies that governments ignoring this make them partially responsible. In the end of this statement, the cost is to life and liberty not peace and security in communities around the world, not states in the international system.

Further illustrating this in an extreme case is the article "High Time for the Government to Take Over All Military Businesses"

(<http://www.youtube.com/watch?v=zoqmH49VBC0&url=http%3A%2F%2Fwww.salon>

[.com%2Fopinion%2Fgreenwald%2F&feature=player\\_embedded](#) 5/1/09), from the Jakarta times and posted on HRW's website. The article outlines how the policy vacuum of military businesses leads to "the opportunity for mischief." The article not only illustrates an NGO actor holding corporate actors at different levels responsible, "Civil society can and should help shape the agenda and monitor progress. But government authorities need to jumpstart reform." But also clearly illustrates where government actors have shirked moral (and legal) responsibility for what are deemed more pressing concerns:

So far the inter-ministerial working group has focused exclusively on businesses in which the military has a documented ownership share, ignoring the informal and illegal arrangements that also need to be eliminated. Moreover, the lead ministry—though headed by Sudarsono, a longtime critic of military business—recently declared that the government was only interested in the most lucrative military holdings: the 10 or so companies worth 15-20 billion rupiah each.

Certainly this particular case in one country might be a bit extreme but once again illustrates a point in a possible trend.

This allows us another lens through which to analyze the interaction between the concepts of international and world society. Taking as our hypothesis for now that tree A actors represent agents of international society, and tree B actors of a world society, their conceptions of the question of moral agency can potentially clarify a great deal of the interaction between these two pillars and whether the two actors fit that hypothesis. If as we suppose tree A actors fit in international society then surely they will seek to

emphasize a Hobbesian conception which denies the possibility for moral action by a state. For tree B actors, our suspected agents of world society, they will seek to identify moral agents at all levels, in all three pillars.

The underlying framework of which society actors belong to informs the underlying prediction for the way that these agents will fall. Actors that are interested mainly in the rights and interests of states as their chosen (in whatever manner that is done in their particular state) leaders or advocates are predicted to stress that level at the expense of others. Those outside that incentive structure will be open to allowing consideration for more levels to have a stake and advocating for those. If we see these trends emerge it makes the case that in practice the agents involved in international relations are, even if not actively aware of it, reifying the analytical framework that the English School would suggest.

While there is the pragmatic consideration of whether actors of either tree can put forth consistent arguments without a sustainable conception of what are moral agents, there is, more important to this study the implication of what their (mis)understandings of this question tells us about the validity of idea of these two societies.

### ***Basis of Rights***

The final layer of argument through which this difference may be traced, which I will consider here is the basis or foundations of Human Rights. This question is central to understanding what different speakers mean when they discuss human rights. This provides another point on which we may expect to see a contrast between the two trees.

The parallels between this and the first two sections are less distinct; however there are a few key points on which this debate turns. The first is the divide between deontological and teleological grounds, both past and present. The next is universal vs. legalistic accounts of rights. The final consideration is the need for grounds at all, as this seems to be a major point of contention in contemporary debate.

There are traditionally three main theories of grounding human rights. These are natural rights, contractarian positions, and consequentialist positions. The first two can be lumped together as deontological approaches, those based in some form or another on the classical idea of duty, the final may also be known as teleological from the Greek for goal (Donnelly 2003: 41). Donnelly then elaborates on the primary differences between these two traditional schools of thought:

Deontological and teleological theories posit radically different relationships between the right and the good. Right is the moral primitive for deontological theories. We are required to do what is right (follow our duty), period, independent of the effects, for good or bad, produced by our actions (e.g., "Thou shalt not..."). In teleological theories, by contrast, the moral primitive is the good. Duty depends on the consequences of our actions. (Donnelly 2003: 42)

Essentially this divide can be assessed in terms of whether we think that the ultimate outcome, such as it can be assessed, is the arbiter of whether any action is justified. Alternately deontological positions hold that any other number of criteria could be fitted into the framework for judgment; things such as promises and intentions might be examples of two such criteria. Judgment could be based on criteria that provide reasons

outside of the outcome; they might place moral value on other actions than pure outcomes. It may be decided that promises are morally important and therefore may outweigh bad outcomes keeping them causes as the stability of counting on a promise is needed for there to be society. Intentions may be deemed as or more important than outcome as humans have more control over their intent than the consequences of actions, at the same time it may also be more difficult to prove or discover intent, adding another level of complication. This is only the barest of assessments of other possibilities though as the focus of the current project is not to resolve these debates but to explore others.

Moral emphasis can show the way to how one conceives of rights as grounded. Another way consideration of what theory we use as the basis for right is where the moral emphasis is placed, "from a Kantian perspective we begin with the duty and from this can derive something like a right... The value of placing the emphasis on the duty rather than the right in moral terms is that it stresses the obligations of the individual..." (Brown 2001: 132) This is particularly attractive in a world where realism, with its emphasis on self-interest, is the dominant theory. If as discussed in the previous sections the goal of including human rights into international relations is to promote justice in the world then such a conception may work if it pushes through realism's emphasis on self-interest adding the personal duty corollary to those interests. The problem however is that realism on the international scale focuses on individual states, not singular individuals. If the analogy of the state as individual works for realists on questions of self-interest, why not conceptions of duty as well? This brings us back then to the previous discussion of moral agency. If we then hold that states hold not only rights but also duties, or conceive these two as being synonymous, the implication for the question of moral agency is then



compounded with consideration of to whom do states owe duties. There is again a discussion of whether those are held solely to other states or to individuals, and more importantly for the consideration of this thesis, what individuals. This is however a level of complexity to the discussion outside the scope of this particular project and one that parallels the questions explored in the previous section sufficiently that an in-depth discussion is not warranted but the question is acknowledged.

Legalism may provide another understanding of how we would ground rights. Chris Brown summarizes the division in other terms, those of the legalistic theory vs. moral theory:

...we have two different accounts of rights emerging out of the Middle Ages into modern European theory and practice: a particularistic, contractual, legal account and a universal, moral account based on the requirements of human flourishing. (Brown 2001: 118)

This suggests another divide between the two, on the question of whether rights are something that are only held socially, in society, or whether they are inalienable, they are held whether you are the only person in the room or alone on the face of the earth. Pogge posits that, "Responsibilities for a person's human rights falls on all and only those who participate with this person in the same social system." (Hayden 2001: 201) If we hold to this conception then this leads to a problem for those wishing to use human rights as a framework for global justice, they cannot apply to those outside our social system, or indeed those outside any social system. If rights are indeed to be universal and transcendent of borders then the idea that they can only be held in a society creates a problem in their application to those that live outside of any society, understood in this

context as a community that acknowledges such rights. This can be overcome by suggesting that all humans are part of a global community but this seems like defining away the problem. If you define community so broadly that it encompasses all people at all times then what is the point of the distinction that they are only held within some sort of community.

Much like the Westphalian state system however, in the dominant framework, human rights are conceptualized as being universal, ignoring this possible deficiency. This universality runs into the same problem as the state system however, what to do when things are not adopted fully. It also leads to another inconsistency presented by Donnelly as:

Human rights have an inherently universalizing logic rooted in the fact that all human beings have the same human rights. In their internal legal and political practice, Western states have vigorously endeavored, with some success, to give concrete expression to this moral universality. One might expect, therefore, that these internal human rights commitments would be linked to advocacy of cosmopolitan or solidarist international human rights politics. In fact, however, the state remains the central organizing principle in Western conceptions of international order and legitimacy. National provision of internationally recognized human rights is the preferred Western strategy in both national and international politics. (Donnelly 2003: 66)

This inconsistency leads to many deficiencies of the regime in that it espouses universal ideals, but is implemented through a piecemeal system. While it could theoretically be implemented in such a fashion, this only works if all the pieces of that system concur

upon its universality. While there need not be a single agent of enforcement there needs to be a universal standard for that enforcement for such a universal to work. This deficiency is exploited in various ways that I shall return to later.

One of the ways that contemporary thinkers have suggested for overcoming part of this problem is to focus on basic rights, "everyone's minimum reasonable demands upon the rest of humanity." (Shue 1996: 19) A common formulation of these is not to take them from traditional Western literature but to look across cultural boundaries and moral systems to basic morals shared by almost all people and formulate rights from these, an anthropological approach to universal rights. Shue puts it another way in that, "Basic rights are the morality of the depths... They specify the line beneath which no one is to be allowed to sink... (Shue 1996: 19) For example Shue suggests that "...one of the chief purposes of morality in general, and certainly of conceptions of rights, and of basic rights above all, is indeed to provide some minimal protection against utter helplessness to those too weak to protect themselves." (Shue 1996: 18)

This partially echoes the criteria of Cranston who would suggest that there are three tests for whether we can consider something a universal right. "Rights bear a clear relationship to duties. And the first test of both is that of practicability." (Cranston 2001: 170) By this he suggests that the correlative duties are something we can reasonably expect of people. "Another test of a human right is that it shall be a genuinely universal moral right." (Cranston 2001:170) By this he suggests that it cannot be a right that in its formulation is limited only to a specific segment of the population. The final test is that of *paramount importance*, that is to say that the correlative duty is the obvious most important duty to those upon whom it is imposed (Cranston 2001: 171). However this

construction seems contradictory in that the first two requirements have a conception of rights as social constructs, they require others to work because they imply duties. But in his second proposition they cannot be limited, they must belong to anyone. So how can these be reconciled when there are people that exist outside of the context of having any expectations from others, those who are outside of a society?

Another contemporary approach is Rawlsian justice which is essentially a reformulation of contract theory positing that the contract is one in which a group of people behind a "veil of ignorance", that is unbiased by personal interest and social norms, might be expected to form. By Rawl's own admission this is something that is by definition impossible but might be reasonably approximated by biased persons through social interaction and intellectual exchange. The advantage of this approach compared to older forms of contract theory is that it is not based ultimately on religious suppositions, which present difficulties for a framework that is to be universal (Rawls 1999: 111-118). Rawls' focus, however, is upon economic justice and by his own admission is not meant to be applied on the international scale, so it is left to others to expand it in that direction.

This is countered by Sen and Nussbaum's "human capabilities" approach which instead of focusing on economic justice focuses on key capabilities of humans necessary for a dignified and fulfilled life. Among these capabilities Nussbaum suggests are, life, bodily health, bodily integrity, senses, imagination, and thought, emotions, practical reason, affiliation, other species, play, and control over one's environment (Nussbaum 2001: 223-225). By focusing on these capabilities and their fulfillment their framework suggests will provide a better measure of whether human rights are indeed working. This formulation somewhat crosses the deontological/teleological divide in that it is like

natural rights theory and points to those qualities which make us uniquely human, although with different criteria from those used before such as that we are made unique by our creator, or because we can think, reason, or imagine. It does however focus upon results and consequence and is ultimately a modern formulation of a teleological approach.

What these frameworks presuppose is that there is a need to ground rights upon something, there needs to be something to stand on besides stilts or the backs of a few turtles. There is a strong movement toward not worrying about such questions or at least in not letting them keep us from the business of doing good. As Donnelly suggests,

Foundations do provide reasoned assurance for moral beliefs and practices by allowing us to root particular arguments, rules, or practices in deeper principles. But this is the reassurance of internal consistency, not of objective external validation. (Donnelly 2003: 20)

He suggests that while grounds are an important consideration, they are perhaps objectively impossible. Consistency cannot be achieved by an externally applied framework.

Donnelly suggests that it is social action, which grounds rights. He suggests instead that the basis of human rights is in their practice and usage in the world. "Human rights ultimately rest on a social decision to act as though such 'things' existed—and then, through social action directed by these rights, to make real the world that they envision." (Donnelly 2003: 21) Essentially this construction acknowledges that much of the social world is but simple mental constructions, and that the best we can hope for is to conceive of those constructions we think will bring about a just world and put them into practice.

He likens it much to simply having faith "...those justifications appeal to 'foundations' that are ultimately a matter of agreement or assumption rather than proof." (Donnelly 2003: 21) Human Rights are not something to be proven but something to be believed in and acted upon. He suggests, that "in contemporary international society there is no widely endorsed alternative." (Donnelly 2003: 39) He is suggesting then that, as Richard Rorty would say, human rights are a useful superstition, or as Connor Gearty puts it "A mask can hide a face but it may be an exact resemblance of what is underneath" (Gearty 2005: 58)

Rorty promotes self-awareness. However those that would do away with foundationalism create a problem for themselves, if there are no grounds for human rights then on what grounds are they to be promoted as universal? Richard Rorty suggests that the goal of human rights advocates should be "making our own culture—the human rights culture—more self-conscious and more powerful, rather than of demonstrating its superiority to other cultures by an appeal to something transcultural." (Rorty 2001: 246) In one swoop he suggests that the lack of grounds is strength in this other sense that there is nothing in the grounds to object to. If they are a construct then they are a construct that all reasonable people can have input on. He argues that "the best, and probably the only, argument for putting foundationalism behind us is...It would be more efficient to do so, because it would let us concentrate our energies on manipulating sentiments, on sentimental education." (Rorty 2001: 248) He suggests that the way to deal with the non-believers is to ignore them and instead focus upon the next generation:

It would have been better if Plato had decided, as Aristotle was to decide, that there was nothing much to be done with people like Thrasymachus and Callicles, and that the problem

was how to avoid having children who would be like Thrasymachus and Callicles. (Rorty 2001: 249)

He suggests that, "This phenomenon may be just a blip" (Rorty 2001: 255), but to see that it is something more we need to focus upon its continuation in future generations, not its acceptance by our contemporaries.

A similar approach to the idea of ungrounded human rights is the idea of human rights on whatever grounds work for you. This is presented as a pragmatic approach by some, those wishing to build a consensus around a more general conception of rights upon which to build. Hilary Putnam makes such a point in saying:

To a theist, I might say 'because we are all made in the image of God'. To someone to whom this would seem absurd, I might quote Dickens's beautiful remark (in *A Christmas Carol*) about Scrooge coming to see other people as 'fellow passengers to the grave,' or I might mention Primo Levi's haunting statement that the look an official in the concentration camp gave him 'was not the look a man gives a man.' That someone is a fellow human being, a fellow passenger to the grave, has moral weight for me... (Putnam 2002: 95)

Here he invokes three different grounds upon which human rights might be lent moral weight, one theological, two literary. This range of grounds suggests that between these or perhaps others we can find compelling grounds to base our conclusions. This is perhaps reflective of what happens on most political issues; coalitions are formed around sides of an issue, with little attention paid to why it is that everyone in the tent happens to agree on it. To some this might be acceptable, particularly as insurmountable as the

problem of a universal ground seems to be, "...one might conclude that the language of rights is not especially informative, despite its uplifting character, unless its users link their references to rights to a theory that answers at least some of these questions."

(Nussbaum 2001: 214)

Some even suggest that irresolvable difference might be a virtue of its own sort.

Walzer suggests that:

Since the nature and number of our identities will be different, even characteristically different for whole populations, a great variety of arrangements ought to be expected and welcomed. Each of them will have its usefulness and its irritations; none of them will be permanent; the negotiation of difference will never produce a final settlement. (Walzer 1994: 83)

Essentially what he is suggesting is that we will never agree upon a ground (perhaps even we never should) and in his opinion a state system in which different approaches might be explored presents a framework for a working world. Donnelly summarizes the fine line that this treads and the predicament we find ourselves in:

We want to recognize the importance of traditional values and institutions as well as the rights of modern nations, states, communities, and individuals to choose their own destiny. At the same time, though, we feel a need to reject an "anything goes" attitude. (Donnelly 2003: 84-85)



While working without grounds might be workable in some ways, indeed desirable in others such as the building of a coalition, this creates other problems. Walzer summarizes thusly, "Moral terms have minimal and maximal meanings; we can standardly give thin and thick accounts of them, and the two accounts are appropriate to different contexts, serve different purposes." (Walzer 1994: 2)

By focusing on minimalism we may end up with only limited grounds. The problem with ungrounded or perhaps thinly grounded, to borrow Walzer's term, human rights is that,

The critical enterprise is necessarily carried on in terms of one or another thick morality.

The hope that minimalism, grounded and expanded, might serve the cause of a universal critique is a false hope. Minimalism makes for a certain limited, though important and heartening, solidarity. It doesn't make for a full-blooded universal doctrine. (Walzer 1994:11)

The problem then becomes whether minimal grounds are enough.

This brings us to a point where it seems like the cause of human rights is much like the cause of democracy in the late eighteenth century. The need to get everyone on board makes us put off certain deeper questions and we stick to the "thin" justifications for the cause until the 'war' is won (literally and figuratively). The trouble with this as we see is that sometimes not agreeing on what the real end is can cause as much trouble as good, as in the case of the French republic. Because the basis of the revolution was ignored, common ground was found on the thinnest of grounds focusing on discontentment with the current system, and things quickly got out of hand.

As a counter point the American Revolution spent some time or at least more time, in formulating a basis (whatever we may think of it) and came off without a descent into complete anarchy. How much time should be sent in deep consideration of moral reasoning for a cause and how much should be spent in just trying to forward the cause is a delicate balance that can easily tip either way. However, because the basis of human rights for an international regime is generally taken on the thinnest ground, the drive for universality has resulted in the UDHR being unworkable, having been divided to the least common denominator a few too many times, we see that 'human rights' can often be co-opted and used as a screen for what is essentially the geopolitical power wielding of time immemorial. There is much to be said for focusing on overthrowing those systems that are unjust, the trouble comes when we have done so and we find we've ignored considering what we want in their place.

The cooptation of rights leads us to another problem, a confusion of what human rights really means. As Cranston says, "What ought to be done, what is obligatory, what is right, what is duty, what is just, is not what it would be nice to see done one day; it is what is demanded by the basic norms of morality or justice." (Cranston 2001: 172) However for many Human Rights is used as a framework for the promotion of ideals, "An ideal is something one can aim at, but cannot by definition immediately realize. A right, on the contrary is something that can, and from the moral point of view *must*, be respected here and now." (Cranston 2001: 170) This confusion of the two often leads to an undermining of their promotion. Donnelly puts the problem as such:

It may be desirable to reduce or minimize the place of human rights in political doctrine and practice, or even to replace human rights entirely. But such arguments rarely are made

today. Instead, 'human rights' is too often used as roughly equivalent to 'our approach to human dignity'—or, even worse, whatever oppressive rulers say it is. Such ways of thinking and speaking insidiously erode the distinctive and distinctly valuable aspects of a human rights approach. (Donnelly 2003: 86)

This presents another problem as well, in that it not only erodes valuable aspects but also leads to practices similar to those we seek to eradicate.

It simply is not true that all peoples at all times have had human rights ideas and practices, if by 'human rights' we mean equal and inalienable paramount moral rights held by all members of the species. Most traditional legal and political practices are not just human rights practices dressed up in different clothing. And those who insist that they are, whatever their intention may be, make an argument that not only can be but regularly has been used by repressive regimes to support denying their citizens internationally recognized human rights. (Donnelly 2003: 87)

This presents a problem with such an anthropological method for basing human rights.

Where this leaves us for the present study is then two-fold. First is which formulation of rights underlies the study going forward, and secondly exploring the question of how our actors understand the question and what that tells us about them. As to the first it seems out of the scope of the current study to attempt to reconcile the divide between deontology and teleology for a variety of reasons. Beside the issue of scope there is also the issue of whether there is a contribution to such a discussion that can be offered by the framework as laid out. Going forward then I rest my understanding of

rights on no grounds at all, but fully aware of the problems that have been laid out in taking such an approach.

Without grounds upon which to rest rights I then must look to other metrics to use in assessing the actors of the current study. I seek to look interpretively at how their own understandings of this question inform their decisions and their interactions. I suggest doing this not with the idea of maintaining some kind of positivist detachment from what they believe, but to suggest that it is their interaction that will inform the current study more than the results of that interaction.

Policy makers will stress consequentialist grounds while activists will stress deontological grounds. To turn back to the focus once more I will suggest the following. On the questions covered in this section we will find that in general Tree A actors are most likely to find grounds for rights on teleological grounds, while Tree B actors will prefer deontological grounds. Ironically however I think that it will more likely be Tree A actors (a group that is more likely to be morally skeptical) who insist on grounding rights upon something. While Tree B actors will more readily accept working without a ground or accepting whatever ground works for the individual.

An illustration of where this prediction comes from will be helpful. The line of reasoning on Tree A is perhaps best illustrated by one of the most prominent members of that community, US President George W. Bush. On the first point that Tree A actors will focus upon teleological grounds for their actions one need only point to their justifications for the intervention in Iraq, as it has become clear even to the US public that there were extreme inaccuracies in the intelligence originally used to justify intervention

both leaders have focused upon the good that has come out of liberating Iraq. In his December 18<sup>th</sup> 2005 address President Bush stated:

It is true that many nations believed that Saddam had weapons of mass destruction. But much of the intelligence turned out to be wrong. As your President, I am responsible for the decision to go into Iraq. Yet it was right to remove Saddam Hussein from power. He was given an ultimatum -- and he made his choice for war. And the result of that war was to rid a -- the world of a murderous dictator who menaced his people, invaded his neighbors, and declared America to be his enemy. Saddam Hussein, captured and jailed, is still the same raging tyrant -- only now without a throne. His power to harm a single man, woman, or child is gone forever. And the world is better for it.

(<http://www.whitehouse.gov/news/releases/2005/12/20051218-2.html> 7.1.2005)

On the one hand he is admitting his fault, while on the other he emphasizes the positive consequences of his actions. As to the second part of the reasoning of Tree A actors, that they will more likely to insist upon grounding of actions.

Borrowing their own words I will illustrate where the prediction for NGO activists comes from. In contrast Tree B actors show a clear tendency towards thin grounding for rights in the first part, with an emphasis on deontological grounds when it is present at all. On their "about HRW" page, the closest they come to a statement of their believed grounds for Human Rights is "Human Rights Watch believes that international standards of human rights apply to all people equally" (<http://www.hrw.org/about/> 7.1.2005), suggesting a fairly broad, yet universalistic approach. On *Amnesty's* website under their about statement they go slightly more in-depth stating:

AI's vision is of a world in which every person enjoys all of the human rights enshrined in the [Universal Declaration of Human Rights](#) and other international human rights standards.

In pursuit of this vision, AI's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights. (<http://web.amnesty.org/pages/aboutai-index-eng> 7.1.2005)

*Amnesty* also conveys a fairly broad message here; however the examples of issues they focus on, physical and mental abuse, prisoners of conscience and expression, and freedom from discrimination, all suggest a focus on political or first generation rights, those most closely tied to the natural and contractual positions.

Again the basis of these predictions is premised on the idea that these sets of actors fit within different pillars of English School theory and that this question provides another layer through which to explore that idea. As agents of international society tree A actors will emphasize a conception that gives primacy to the state, a concern for people as people not persons and therefore an emphasis on 'the good.' On the other hand as examples of agents of a world society tree B actors will focus on understanding rights that focuses on people as persons, and emphasize the more individuated concept of 'the right.'

## ***The Framework***

In this chapter I have outlined the competing positions of Policy Makers and Non-Governmental Actors on a series of points in the arms control debate as an example of the “typical” motions that the two sides go through on human rights issues. I have shown how superficial statements by each side can be traced back through several layers of political and philosophical argument through a pair of family trees. I have focused upon three key points, moral agency, order and justice, and the grounding of rights upon which both trees seem to branch even further from each other. The first purpose of this exercise is to set up a framework for research, which is to be tested by interviews with members of each family tree to see if this framework holds true.

I have constructed this framework to look at the same broad question on three different levels. I have done this because I seek what Williams refers to as, “...a basis for making judgments about the nature, significance, and desirability of what is going on in the world at a variety of levels.” (Williams 2006: 15) To fully explore the question of the divide between world and international society I seek to ask three inter-related questions that are pieces of the larger question of the character of the divide between these two sectors of society.

Establishing this framework is just the beginning however. Working under the assumption that this framework is fairly accurate, it begs a series of questions, which are the real purpose behind this work. The next most obvious reason for conducting this work is to suggest that the hokey kokey that we see is not the result of differing policy

assessments, or the rejection of one or the others world view, but a predictable result of differently rooted ideas. If the difference between the two sides is more fundamental than simply different views of facts on the ground, then approaching the impasse by simply trying to establish a common view through reporting and education of what's happening on the ground is impossible.

This then would suggest that in acting out this pattern the actors only exacerbate their individual difficulties. By constantly approaching each other the same way over and over with little or no change in approach by either side we can quickly see cynicism in the issues on both sides develop. On the side of the non-governmental actors we might see them compensate for their lack of tangible power, by increasing the voracity of their claims. Their main power stems from their power to appeal and educate the public, however if their work seems to have little or no effect on those they seek to influence it will lead them to be increasingly extreme in their appeals and education to compensate. Vincent suggest that the criticism is that:

... non-governmental organizations involved in human rights, believe not merely in the power of opinion, but also in the idea that opinion must be founded on truth. From this comes the criticism that...groups of this kind are not political but missionary, and thus confined to the side-lines of the political world, marginal in their impact on it. (Vincent 2001, 99)

On the occasions that they are successful in influencing policy their gains then are likely to be small in comparison to their claims, leading to still stronger claims, a constantly



moving goal post. This is a reasonable enough approach considering their alternatives, however it is easy to see how on the other side it would lead to the view that nothing is ever good enough, as even their best efforts are likely to have faults which will be exploited. It then becomes easy for each side to dismiss the other.

On the other hand we can see how this type of argument might be used as a smoke screen. On the one hand it may be that implementing security and trade policy is done in good faith with a view of human rights that is simply different from those held by non-governmental actors, or perhaps with genuine mistakes made. It is also easy to see how some actors who genuinely reject the place of morality in International Relations might use the excuse that nothing is ever good enough to not even try in the first place. As Vincent suggests "...it is possible to take the systemic argument too far, so that it becomes an excuse rather than a reason for inaction on human rights." (Vincent 1986:137)

This then leads to another objective, which is to test whether the theoretical complexity of human rights in international relations as an academic field transfers over to the policy world, or at least to what extent it transfers. Essentially testing Vincent's assertion that:

... the view of the foreign policy professionals about human rights, they are not excited by them. They are uncomfortable, even when they favour human rights in principle, about dealing with individual cases of human rights violation. They prefer the setting of universal standards. ...human rights are perceived as a problem not a solution. They get in the way of ordinary diplomacy. (Vincent 1986: 137)

Probing policy actors on this series of related issues not only places them in to different trees but also sees how far up or down the tree they progress, if at all. The more entrenched in their respective tree they are; theoretically the more difficult it will be for them to see the common ground. At some point however both trees are grounded in a common ground somewhere.

Finally it leads to a question of balance in the pursuit of human rights; balance between their theoretical formulation and between their implementation. As Bull suggests, “Sometimes it is the struggle for just change itself that creates a consensus in favor of this change that did not exist when the struggle was first undertaken” (Bull 1977, 94) on the other hand it is sometimes the struggle that pushes forward too hard or too fast that ends up sinking the cause. While this work will not seek be able to resolve how fast the struggle should go, by treading the line between the two it may cast some light upon each side and take them forward.

## ***Methods***

This section will move from the framework that emerged from the discussion in the previous section and discuss the methods that will be best suited to exploring the questions we have. It will begin with a discussion of the conception of the methods and why it was decided to pursue this research study using qualitative methods. This project seeks to expand the understanding of complexity, rather than building a model to simplify phenomena, and qualitative methods lend themselves better to that task. It will then move

into a more detailed discussion of how the research will be carried out with particular reference to steps that will be taken to ensure validity of the research and avoid or at least identify, bias. Having then laid out the framework and the methods for the research this leaves us only to discuss what the results were in the remaining chapters.

The main methodological concern of this project is keeping in mind that the goal is not to solve a statistical problem or show a correlative relationship, but to increase understanding of a subjective problem. The preponderance of work in the social sciences is often focused on the former and it can be difficult in working with the social science methodology and not follow suit. As I am looking at a problem of complexity not of simplification it is important to lay out how this can be done while maintaining the academic rigor of the project.

"The validity and reliability of qualitative data depend to a great extent on the *methodological skill, sensitivity, and integrity* of the researcher." (Patton 1990: 11) The goal of this section will be to establish those three key qualities. My starting point in assessing which methods to use is to consider what the role of science is in this project. I start at this point because the role of what the role of science is in international relations work is a persistent one, addressed by Bull (1969: 35-37) who rightly suggested then, as now, the dominant and largely American methods of the field tend to be concerned with finding "solutions" to "problems" through methods which mimic the form of the hard sciences. I seek not to reconcile what seems to be the unresolved question in the field over forty years after Bull addressed it but merely to lay out where this project lies in relation to that question.

I use the metaphor of Karl Popper who described a continuum of possibilities for phenomena "...the most irregular, disorderly, and unpredictable 'clouds' on the left to the most regular, orderly, and predictable 'clocks' on the right." (Almond and Genco 1977: 489) This dual conception of scientific problems could be applied for the early development of scientific theory however, "The Newtonian revolution in physics popularized the notion-which was to persist for approximately 250 years... that the universe and all its parts were by nature clocklike and in principle completely predictable..." (Almond and Genco 1977: 490 emphasis theirs) This became the dominant norm for science. What this meant for the social sciences was to be a true science they had to work out those underlying gears. This led to a reliance on mathematics and mathematic like formulations in emulation of the 'hard' sciences to establish the credibility of social science. However this enthusiasm for quantitative methods got out of hand when it became predominant and accepted uncritically as an end in itself (Almond and Genco 1977: 515). We then often see a problem of two phenomena being said to have a strong statistical relationship without having to address what it is that is the cause of that relationship. In this extreme we can see this led to, "simplified models, often given mathematical dressing..." (Almond and Genco 1977: 514 quoting Gunnar Myrdal) Social scientists focused on emulating the style of physical sciences; however the substance could be lost along the way.

This suggests that the problem was essentially losing sight of the bigger picture, assuming that the tools of the moment are the end result and not just that, tools. Taking this idea one step further in current English School method John Williams observes that rather than treating certain concepts in international relations, such as order and society,

as fixed ends or points of analysis, we may be better off treating, “Order and society as processes, rather than reference points for analysing other processes, may help us to engage more effectively with world politics.” (Williams 2006: 15) This point seems to emphasize the idea of using the conceptual framework of English School theory not just as a fixed set of tools but also remaining cognizant of the fact that many of the tools being used are themselves part of what we are seeking to understand.

However this is not to reject quantitative methods in social science as a whole, just to suggest that they are not infallible or universal, “Quantification has undoubtedly contributed to major advances in political science and other social sciences. But it has also led to a significant number of pseudo-scientific exercises that exhibit the form but not the substance of research in the physical sciences.” (Almond and Genco 1977: 506) The problem with pursuing quantitative methods as infallible and universal in social sciences generally and politics in particular is that, “If politics is *not* clocklike in its fundamental structure, then the whole program is inappropriate.” (Almond and Genco 1977: 504-505)

The predominance of one method can also lead to the predominance of a particular ideology tied to a method, Diesing suggests:

That point is reached when the scientist's vision, of the free market or the self-managing society or responsible democratic government is treated as the essence of social reality. All interferences or blemishes are temporary accidents. The scientist's task them[sic] is to reveal this essence to all, and to encourage the removal of the interferences. (Diesing 1991: 349)

While the underlying premise of solely quantitative social science (all clouds are clocks) was undermined though not displaced, there is growing room for a social science that is diverse in nature where:

Multiple traditions or communities live side by side, more or less acrimoniously. The philosophers disagree on whether it is better to work steadfastly within a community and ignore the others (early Kuhn, Lakatos) or to actively engage other communities in dialogue, each community exposing others' weaknesses and learning about its own problems from the others (Feyerabend, Churchman). (Diesing 1991: 326)

Whichever model there is room for more than one depending on the question or problem, whether they get along or not and it has opened once again to the study of social issues as "clouds". And with good reason, "...what distinguishes human (social) action from the movement of physical objects is that the former is inherently meaningful." (Schwandt 2000: 191)

Taking this interpretivist point one step further, there is a significant amount of action that will have unpredictability and disorder. This is not to say that in taking this possibility as a premise for work that it becomes unscientific, it is in fact more scientific to focus on the qualities of scientific method that apply rather than just emulating the end result:

... what distinguishes scientific knowledge from other forms of knowledge is its explanatory content... What distinguishes scientific knowledge is not the method of knowledge acquisition, nor the immutable nature of the knowledge produced, but the aim of

the knowledge itself. Scientific knowledge is explanatory and as such a great deal of knowledge of the social world is deserving of the label science even if it does not deserve the label positivism. (Wight 2006: 61)

As Almond and Genco summarize, "To progress scientifically, the social disciplines require their own philosophy of science based on explanatory strategies, possibilities, and obligations appropriate to human and social reality." (1977: 522)

More directly to method in International Relations I believe this is part of what is referred to as, "...a post-positivist challenge that has made a powerful case for the connections between studying and doing." (Williams 2006: 13) That in mind I take it as an aim of this study, to formulate a method that is scientific in a substantive way not simply an emulative way, in order to pursue contemporary facts using the most sensible methods available. The next question to turn to then is, what are the substantive aspects of scientific method that make sense for this study, a first consideration should be the role of objectivity in the work.

There has long been a focus in social science upon objectivity both as a way of emulating the hard sciences and for reasons specific to social sciences. This can be traced back to at least Mill and Weber in the social sciences but for different reasons and indeed many reasons for each individual thinker. First there is a practical consideration suggested for Weber, "With university hiring controlled by political officials, only if the faculty refrained from policy comments and criticism would officials relinquish their control." (Christians 2000: 137) Contrary to this is a contending influence on academics. "The needs to conform, to appear powerful, to fight authority, and so forth, can produce

other pathologies of thought." (Diesing 1991: 294) These pathologies all contribute to the type and methods of work engaged in by scholars, even within individuals.

Objectivity then is not just a part of the 'cargo cult' of scientific emulation but a practical concern to both keep departments going and to keep them with some amount of cohesion, or perhaps at least a level playing field for interaction. This is not to suggest though that these are the only reasons for spending some time considering objectivity, they merely provide a starting point and add some context.

Essentially Weber's work can be regarded largely as an attempt to formulate method that was substantively scientific (Lustick 1996: 611), which lead him to a rejection of the strict objectivity or at least trying to appear to have the strict objectivity of the physical scientist. Instead:

Weber distinguishes between value freedom and value relevance. He recognizes that in the discovery phase, 'personal, cultural, moral, and political values cannot be eliminated; ...what social scientists choose to investigate...they choose on the basis of the values they expect their research to advance.' (Christians 2000: 136 quoting Root 1993: 33)

But he insists that social science be value free in the presentation phase, "findings ought not to express any judgments of a moral or political character" (Christians 2000: 136)

This then is an interesting dichotomy and perhaps a lot more honest than pretending that the researcher is not influenced by various biases.

Expectation can present a particular set of problems. Part of the problem of our biases in social science is that we are studying things at a level that is to an extent beyond our full comprehension, so the normal means we use to get by in our life cannot easily be



applied, “expectations and the various biases normally control the interpretation of ambiguous data, which are rarely clear and complete enough in social science to override expectations and survive the selectiveness of the biases.” (Diesing 1991: 267) Even for the most seemingly objective of data: a statistic, it is still worth remembering that it's interpretive, “we think, a statistic is a number, and numbers seem to be solid, factual proof that someone must have actually counted something. But that's the point: people count.” (Best 2004: XII)

All data collection, or at least presentation, then is interpretive and thereby will have some level of bias. On the other hand a case can also be made that bias is not just a bad thing:

The role of expectations, theory in constructing stories is both positive and negative.

Positively, theory guides the search for data and for the hidden connections that explain the surface phenomena; theory leads us to the reality behind appearance, the disease behind the symptoms. Negatively theory ignores, overlooks, or rejects data that do not fit its categories, and shapes ambiguous data to fit its expectations. (Diesing 1991: 269)

We have to then try to strike a balance of emphasizing the positive influence of bias while minimizing the negative. To say that because we cannot be totally objective, is not the same as to say that it is not worth trying, rather than pursuing a positivist course of sticking our fingers in our ears and presenting our findings as if they came straight from a computer. Instead it is better to strike a middle ground and on the one hand not only acknowledge but engage with biases, to at least put the work in context so that people reading our work know which particular grains of salt come with it. The goal here is

where, “postmodernism can *inform* realist study of experience rather than simply serve as justification for abandoning it.” (Charmaz 2000: 528)

The next step in making the assumptions and premises clear is finally getting into considering which methods to actually pursue, to do this I will first briefly consider quantitative methods and why they do not make sense for this study or at least not as a first step in this study.

The Stanford Prison Experiment of Stanley Milgram perhaps best states why quantitative methods are not best suited to this study. In a simple transitional statement of the report on the experiment Milgram states, "The description of final scores does not full convey the character of the subjects' performance, and it would be useful to interrupt our reporting of quantitative relationships to remark on the subjects' general reaction to the situation." (Milgram 1965: 66) The author then goes on to spend the rest of the report conveying the character of subjects' performance and their "general reaction to the situation". These are precisely the characteristics that this study seeks to understand so it makes sense to skip over the mathematical window dressing and cut right to what counts.

Complexity is what this study seeks to understand. The goal is not to force a model that is truncated and modified to explain the situation, but instead to have, "The open ended responses [which] permit one to understand the world as seen by the respondents." (Patton 1990: 24 my insertion) The point of this work is to be surprised, to find out something new, in a way this makes it more objective than the testing of a model.

Qualitative methods emphasize understanding complexities of social interaction. For this reason a qualitative methodology will make more sense as, “Qualitative

approaches emphasize the importance of getting close to the people and situation being studied in order to personally understand the realities and minutiae of daily life, for example, life in a program.” (Patton 1990: 46) The two groups can be conceived not in programs specifically but in interrelated yet divergent communities, further making use of, “The advantage of qualitative portrayal of holistic settings and impacts is that greater attention can be given to *nuance, setting, interdependencies, complexities, idiosyncrasies, and context.*” (Patton 1990: 50-51 emphasis added) These factors provide points of particular interest in the interaction between the two groups under study.

Having identified my interest in this project using the backdrop of English School theory I start by conceiving how these methods will fit within that tradition. In response to Buzan’s suggestion that English School theory should focus on methods that are analytical and focused on questions of structure (Buzan 2004: 14) Tim Dunne suggests that “– it seems to me that the best work in the English School is *both* normative and attentive to social structure.” (Dunne 2005: 158) He suggests that English School theory is better served by analysis that is not only structurally analytical, but also academically normative, trying to change things towards some particular moral ends, as well as hermeneutically engage in the sociological question of how actors within the systems understand it and their role within it. (Dunne 2005: 163)

In order to engage in effective research to address the type of questions which International Relations seeks to address there are a few other requirements of the researcher. Dunne suggests that, “an adequate theory of international society requires not only sophisticated explanations of ontology – but also an interrogation of agency and the values that animate their interaction.” (Dunne 2005: 163)

In formulating my questions I have sought to do just this: interrogate agency and values that animate a particular interaction between International and World Society. However I have made a slight departure towards Buzan in that I share his view that World Society is the area of theory richest for development within the English School, Dunne acknowledges that this can still be a legitimate starting point, saying that, “What is crucial here is not whether one begins with international society *or* world society but rather how a theoretical account incorporates both elements.” (Dunne 2005: 165) Which arrives at the center axis of this investigation.

Turning this conception then directly to the matter of how to develop a method for exploring this question there is another hurdle to be kept in mind, broadly I plan to keep my methods normative, a choice that I will develop in more depth later in this chapter but largely seeks to avoid the:

... great risk... that the new transnational normative politics will run into a profound legitimization crisis. If this concerns constructivists such as Keck and Sikkink, then they must take seriously the need to match the rigour of their empirical analyses of normative politics with an equally rigorous defence of their implicit normative agenda, for ultimately only such a defence can legitimate the politics they observe and wish to encourage. (Reus-Smit 2002: 501)

Which is why I have chosen as my starting point English School rather than constructivist methods, although I seek to be open to both and don't see it strictly as an either or question.

I will next consider the implications of these choices upon the actual practicalities of my research. The idea that I seek to understand is the validity of the ideas of world society and international society, and how that can be assessed and explored. My vision for exploring those concepts is that on a theoretical side human rights are a growing and important concern in international relations, also on the practical side they are a set of ideas that are embedded (albeit in differing, and often contradictory forms) in many substantive elements of the international system, including the UNDHR and other international organizations charters, international law, domestic laws, treaties, etc. In as much as any aspect of the international system is solid, human rights are becoming something worth consideration as such. It is my view that in understanding human rights it is worth developing further our understanding of the interaction between policy makers and non-governmental actors as two of the key players in this area, who have reached an identifiable impasse as outlined in the literature review. These two groups represent an avenue to understand the underlying question of the nature of international and world society, and what goes on within and between those two spheres. However to say these things are important and worth looking at is not the end of a research design. “A good constructivist interpretation is based on purposeful (theoretical) sampling, a grounded theory, inductive data analysis, and idiographic (contextual) interpretations.” (Denzin 1998: 330)

Part of the focus on 'elite' actors, is an understanding of international relations from English School theory, and an understanding of one aspect of that theory can be that the field is about the constructed reality from the interactions of the actors within in it. In Tim Dunne's account this understanding of international society dates back to the

inception of the concept (Dunne 2001: 77). As part of my contextual interpretations I have sought to set out a framework that will understand these opposing actors in their own terms, which is not to say that it is a framework which is culturally relativist. I will seek to understand subjects in their own terms out of equal respect, however I will also seek to be equally critical and not accept either group at face value.

I also must assess how and why I have broken subjects into the groups I have. The next design consideration is that, "One or more groups are selected as the unit of analysis when there is some important characteristic that separates people in groups and when that characteristic has important implications for the program." (Patton 1990: 167) The groups I have divided subjects into require some justification, as they may be counter-intuitive. It might typically be said that most political conflicts like the one I'm researching would typically be taken up through partisan means in western democracies. If there is a consensus that a certain human rights regime should be taken up then one or another of the parties would ideologically or politically be compelled to take a stand against the other on the issue. However in this study policy makers are grouped together without deference to partisanship, it is believed that they will all hold very similar views in the broad terms of this study. That the underlying ideas behind how they make decisions will be similar is shape.

Partisanship will be minimized by the structure of international issues and the broad philosophical questions we seek to assess. This is because of the orientation of policy-makers as responsive to their constituents who, while they may care about international human rights, are more concerned with more immediate issues such as security, the economy, and social issues. As such policy makers of whatever party will generally place

greater emphasis on these issues (the well being of their constituents) at the expense of international human rights (e.g. the whole human population's well being). What this means is that the case for this group outside the scope of policy makers concern must be taken up by another body, not another party. This is why this study is looking at this conflict as being between Policy-makers and Non-governmental actors, not Democrats and Republicans, or Labour and Tories or maybe just simply left actors vs. right actors as many political issues may be formulated.

Triangulation can be a key method to create a greater amount of validity, a term that can mean several different things but for my purposes will be taken to mean the use of several different techniques in an area to ensure different types of validity (Arskey and Knight 22-23). Arsky and Knight identify three key forms of triangulation. The first methodological triangulation is the collection of data through a variety of methods. In this project I have chosen as my primary data textual analysis, however this data will be reinforced with primary interviews. The second type of triangulation they point to is data triangulation, this is provided in this project by breaking the actors into two groups or sets of data then comparing the results. The final triangulation they discuss is theoretical triangulation, in which diverse theoretical backgrounds and opinions are presented. I establish this through several techniques, first by breaking the groups into family trees I have outlined two equally valid points of view on these issues and the key to this study is the proposition that they are equally valid viewpoints.

The goal behind constructing this pluralist method is to as John Williams suggests, "...we can begin to go some way towards meeting recent challenges to add greater sociological sophistication to English school theory as part of a constructivist

agenda that re-emphasizes the normative potential of international theory (e.g. Dunne, 2001; Rengger, 2000, Reus-Smit, 1999, 2001)” (Williams, 2006: 16) I have largely constructed my method using sociological thinking on the subject in order to address precisely this gap.

I have designed this research to be naturalistic in the fact that, "The research setting is a naturally occurring event, program, community, relationship, or interaction that has no predetermined course established by and for the researcher." (Patton 1990: 39-41) This is not an experimental design such as in the Stanford Prison experiment; it is fieldwork, studying things as they happen.

Flexibility is essential for a sociological inquiry. It is impossible to fully outline all of the design of the research project beforehand as a sociological method of this sort requires a certain amount of flexibility while in process. As Patton puts it flexibility is needed because “qualitative design unfolds as fieldwork unfolds.” (Patton 1990: 113) In the end what this means is that, “Field-workers can neither make sense of nor understand what has been learned until they sit down and write the interpretive text, telling the story first to themselves and then to their significant others, and then to the public.” (Denzin 1998: 317) Because this is an interpretive exercise the method design must necessarily leave some leeway for flexibility to change the project as the fieldwork dictates the direction of the inquiry not the design.

Besides the flexibility of design, there are some other considerations to take before engaging in interview based design; it is the interest in a specific and limited set of people that act on the phenomena I seek to understand that leads me to use interviews as backup. I want to understand first how they see themselves and each other to attempt to



understand why they see thing that way. In interviewing one seeks to create a rapport. However that creates problems, "Close rapport with respondents opens doors to more informed research, but it may also create problems, as the researcher may become a spokesperson for the group studies, losing his or her objectivity..." (Fontana and Frey 1998: 60) This presents the problem of researcher going native.

Methods can be used to help keep this from happening. There are several ways of doing this, one method is to dig deeper than just interviews:

To seek respondents' meanings, we must go further than surface meaning or presumed meanings. We must look for views and values as well as for acts and facts. We need to look for beliefs and ideologies as well as situations and structures. By studying tacit meanings, we clarify, rather than challenge, respondent views about reality. (Charmaz 2000: 525)

Using a combination of empathy for subjects as well as criticism of them can help to maintain this balance. Diesing suggests, "...to avoid such weaknesses, each social science method should have its own blend of externalizing and internalizing processes." (1991: 291) By creating a method which uses the positive aspects of both empathy and criticism one can provide a greater level of rigor to the field-work.

The greatest methodological challenge presented by the subjects I have used for this study is their number. A sample of three is by even the greatest stretches of the imagination not meant to be presented as "representative" in any way of either group. Even for a representative sample I would need to have gotten subjects from a number of different organizations on the non-governmental side, and from a number of political parties, and different areas of government, legislative, executive and even some from a

sampling of different committees that engage with international human rights issues. Ideally I would also have gotten actors in both groups from different countries, I have subjects from the United States and the United Kingdom but more from both would have been helpful.

There are however some factors of even this small sample of actors that adds validity to their inclusion in this exercise. First of all my attempts to get interviews with subjects were conducted with an open-mind and without being driven by a particular agenda to get certain people that might tell me what I wanted to hear. None of the subjects had any direct connection to me, there are at least three degrees of separation between me and all subjects included. Subjects were solicited by a variety of methods including open solicitations to major organizations for any subjects and cold contacts to the offices of all members of relevant committees in congress and parliament. Ultimately however it was connections cultivated through university contacts that proved the most successful in gaining responses. All this is to say that subject were selected without any active bias on the part of the researcher.

There is of course a bias of self-selection by subjects and no way of telling what the differences might be between those willing to talk and those that were not. As stated earlier I do not think there is a such thing as a complete lack of bias, and subjects undoubtedly had some sort of thoughts they wanted to provide a forum to but subjects were only told in the vaguest terms what the particulars of the research were. So it is hard to see how they could have decided to respond as part of a calculated agenda. Furthermore a graduate dissertation is fairly far removed from mass public consumption

and if subjects had a particular agenda to drive by talking about their work they all likely have more effective avenues to do so.

So while acknowledging that the sample size of subjects is questionable and less-than-ideal and the possibility of self-selection bias I still believe that their responses can be seen as adding valid first-hand insight into the interaction of policymakers and non-governmental actors taken with that very large grain of salt. The inclusion of their comments is presented only as icing on the cake so to speak and is meant only to further substantiate points made through either the literature, first-hand documentary sources, public interviews, or reasoned theoretical points.

Furthermore, to avoid charges of having cherry-picked comments by subjects I have sought wherever possible to include as much context to their comments available from transcripts and notes so that the reader has the opportunity to judge for themselves the validity of the claims I make based upon these sources. I have also sought to fit comments within the greater context of documentary sources of organizations or media reports that provide further substantiation. However the inclusion of sources such as these presents another set of methodological problems that need to be addressed.

Documentary sources can help provide greater context and disentangle the researcher from going too native. A key way in which this study will do this is to do precisely as is suggested and focus primarily on research into subjects and organizations in order to contextualize the findings of interviews. This however leads to the main focus of methodological problems in using document sources. Choosing to add this method brings on another set of problems that come with it. Partially this problem is overcome by presenting a number of sources to substantiate a claim in order to avoid "...the potential

problem of circularity. If one assumes the hypothesis in order to validate the indicator, then the indicator cannot be used to evaluate the same hypothesis.” (Adcock and Collier 2001: 543)

Validation in this way is like all these methods, not a panacea for all the ills of using documentary contextualization, it is merely a way to mitigate it. This method however can only accomplish so much, "A careful examination of diverse meanings helps clarify the options, but ultimately choices must be made." (Adcock and Collier 2001: 532) Part of making this choice can mean, “attention to the diversity of accounts from which background narratives must be constructed can help prevent serious theoretical and evidentiary errors.” (Lustick 1996: 605)

Perhaps the biggest tool in overcoming almost all of the methodological problems surveyed so far is self-awareness “...a modest improvement in methodological self-awareness in research design can yield a large improvement in scholarship.” (Collier and Mahoney 1996: 56) One should consider how, “understanding requires the engagement of one's biases." (Schwandt 2000: 195) It is only engagement that can effectively mitigate biases in research and ensure a greater level of critical insight.

This engagement with bias is also important to provide context for the audience. “The fact that we 'belong' to tradition and that tradition in some sense governs interpretation does not mean that we merely reenact the biases of tradition in our interpretation.” (Schwandt 2000: 195) So it is key to be aware of both the shortcomings our own biases may present within the research but also the biases and other problems that the tradition we choose to engage our research through as well.

Moving from consideration of the researcher and audience it important to discuss also the subjects of the study. Christians outlines a social science code of ethics that seems to be a fairly straightforward framework. It is based on four major values, Informed Consent, Deception (as in not), Privacy and Confidentiality, and finally Accuracy (2000:138-140). Sticking to these four values as the overriding guide the research undertaken for this project should maintain not only its validity but stick to the idea that we not, "...let the methods dictate our images of human beings. As Punch (1986) suggests as fieldworkers we need to exercise common sense and moral responsibility, and, we would like to add, to our subjects first, to the study next, and to ourselves last." (Fontana and Frey 1998: 72) By ending on consideration on subjects then I mean to suggest they are a greater concern than the previous ones.

The combination of the sociological method outlined with a historical method to provide greater context is aimed at creating a unique pluralistic method for this study that allows for an unearthing of the underlying fault lines behind the underlying concepts of international and world society. This is based on the idea that:

a critical theory of international society must pursue an archaeological method that penetrates beneath the language of diplomacy to reveal the patterns of rules, representation and rationality that govern its production. An archaeologist of knowledge searches for mutations, 'these radical events beneath the apparent continuity of discourse.' (Dunne 2001: 86)

The goal behind the combination of these specific methods has been to create a framework that allows for this type of excavation of the underlying concepts.

The framework constructed borrows heavily from the methodology of sociology, history, and to some extent anthropology. While the variety of methods used fits within the English School tradition it also presents the continual danger observed by Buzan and Little within the school of using the ideas of others without giving output that truly engages with other fields. They suggest that, “if multi-disciplinarity simply reflects dependency on the other disciplines, its claim for status is weak.” (Buzan and Little 2001: 21) They suggest that rather than being multidisciplinary internally, which I think that the construction of this study has done there also has to be some consideration given to what the output has to offer externally. They suggests that:

If IR has an obvious role in the intellectual and academic division of labour... Its comparative advantage lies in its potential as a holistic theoretical framework, which should be able to speak equally well to political scientists, economist, lawyers, sociologists, anthropologists, and historians. (Buzan and Little 2001: 22)

While the focus of this chapter has been to create this internal plurality, the challenge posed by Buzan and Little is one that I hope to address through the analysis. This section provides the firm yet flexible methodological groundwork for the effective conduct of this project, subsequent chapters move onto the analysis and the building of a new structure upon that groundwork.

## Chapter 2: The Good

This chapter begins to look at the results of the investigation following the framework laid out in the previous chapters. It is entitled ‘The Good’ solely in terms of good predictions made as part of the framework and whether they turned out to be accurate. In this chapter I will discuss those aspects, which after conducting fieldwork and further research turned out to follow the predicted trends. Specifically those aspects are the divide on moral agency and the divide between actors on Order and Justice, which will make up the two sections of this chapter.

### *Moral Agency*

My predictions regarding the question of moral agency were that Tree A actors, policy makers, would be skeptical of assigning moral agency to any actor and would be more likely to emphasize strategic concerns. Tree B actors would focus on the agent-of-last-resort, that is that they would hold actors at any level accountable as suits their purpose. In a way this can be seen as a strategic position rather than a moral one as well, just a different strategy. While the Tree B actors may emphasize moral goals, they are not espousing a consistent moral position on this particular question either. This leads to the question addressed further in the next two chapters of whether this failure to articulate a coherent moral argument has detrimental affects to their cause. For consistency’s sake I will first discuss findings from policy makers, and then move on to discuss those in the NGO community, as I will do throughout the analysis sections. In this section I explore

the question of moral agency with particular focus on the issues of military intervention and the detainment of terror suspects. The examples used focus on these two issues as case studies for the wider issue.

The consideration of whom a policy maker is answerable to does not seem to be considered in moral terms. Those in the policy-making community seemed to straightforwardly behave as predicted in this aspect of the framework. In an interview with a policy maker, when asked directly: Who are you answerable to with operations? The response was “The primary goal is to achieve your end state in support of the national objective. It all flows from what the Secretary of Defense down the chain to whatever the objective was.” Despite the question having been asked in the context of moral terms this answer shows that such considerations are not primary.

While policymakers use moral language to explain events, it’s not clear that they do so purely instrumentally or with a consistently grounded conception of rights language. It was not quite this simple though. Earlier in the same interview when discussing Operation Allied Force, the NATO intervention into Kosovo, in which the subject had played a significant role, he stated that:

Allied Force was the Kosovo Operation and there was quite a bit of concern, right up front. We realized early on what was going on in Kosovo, *it was quite obvious what the Serbs were doing, and that it needed to be stopped.* But there was a lot of consternation over whether or not the use of military force short of a ground invasion to drive the Serbs out of there would actually accomplish *the goals of stopping the ethnic cleansing that was going on.* You can’t stop ethnic cleansing by bombing. The bottom line is individuals



going up to houses and kicking them out or shooting them in the head or raping and torturing; that requires a police force or requires some sort of force on the ground. *So our NATO allies were very resistant to wanting to put troops on the ground and to be very candid the US military was not anxious to get mired down in some long-term, protracted drawn-out police type action to commit thousands and thousands of individuals, but we had to do something.* [Emphasis added]

Parts of this statement show a belief that the operation was launched in defense of human rights and it could be easy to move from that to suggesting that by appealing to universal rights that this operation shows an understanding of moral agency rooted in universalism. This would suggest the predictions in this case were wrong. Other comments in the interview suggest that this is not grounding on universalism however, but rather, such appeals being used in an instrumental fashion.

External pressures can mean that while rights are a concern, they are one of many. Later while still discussing this operation the subject went on to recall that,

...As we worked this through NATO, *the only thing that was sellable* was at least to start with a bombing campaign designed to punish the Serbs for *what they were obviously doing to the Kosovars*. We also knew *we would come under criticism if they decided to increase or become even more aggressive in their violations and start shooting people in the head*. Because we couldn't stop it, there's no way you're going to stop it without bombing. Which is exactly what happened, certainly they continued what they were doing, whether they accelerated the pace or not I don't really have any data that would support that. But *we felt like getting involved, to try to stop these obvious, egregious human rights violations was the right thing to do*. So we entered into it with a goal of

punishing Milosevic to the point that he would stop the ethnic cleansing and would draw his forces out of Kosovo and let the Kosovars determine their own fate. [Emphasis added]

While these comments still suggest an appeal to universal principles "...we felt like getting involved, to try to stop this obvious, egregious human rights violations was the right thing to do." The focus also on what was "sellable" and concerns about those particular, potential criticisms seems to undercut that. Especially though the comment about "What they were obviously doing to the Kosovars" suggests the pressure they were under from external sources to do something about this situation.

Public perception is a major concern of policy makers, both the domestic and international public. While domestic public perception will win out, the awareness of international perceptions implies an at least intuitive concern for world society. While principles of human rights were a concern, it was public pressure to do something about this and maintenance of the national image that was a primary motivation. Two further excerpts together with the statement that the main goal of any operation is the national end state substantiate this interpretation. The first point of response to public pressure, when asked to discuss counter-terrorism efforts by the US Administrations which the subject had been a part of both prior to and after the attacks on the September 11<sup>th</sup> 2001 it was stated that, "Well it wasn't that [Bin Laden] was unknown, he was to the general public but the Military and CIA knew that this was a bad guy that had to be dealt with and had tried for years to get to him."

This suggests that political will of your constituents is the ultimate concern. After detailing the efforts that had gone on prior to the attacks he concluded that:

... We knew they operated in almost every country including the US, with one of the largest cells right here. But getting anyone's attention to say lets go get him, that would take all the elements of our government and at an international level an international effort. Because after we found out on 9/11 every country has a stake in this thing and every country should be interested, but we never started building that case until the attacks.

The turning point for the policy makers in this instance was not even the potential threat to the country, but having the political will to do something about that threat. Prior to dramatic events shifting public opinion on it, there wasn't the capability to put a full range of tools to work on the terrorist threat. This points out the ultimate responsibility that policy makers will respond to, paralleling the Kosovo case. The problem was not something they would act on until the public to which they were answerable considered it a problem. While this suggests that policymakers are not interested in an appeal to universal principles and thereby broader levels of moral agency, it also counters the criticism that they are only interested in simplistic realist goals of power maximization in their foreign policies. They are answerable to public opinion at home (in the case of terrorism) and abroad (in the case of Kosovo).

There are multiple levels of consideration for policy makers, suggesting they feel pressure from both domestic and international or world society. This point is further emphasized in the following excerpt, again about "Operation Allied Force:"

Then we had a problem with NATO, they didn't want to go deep enough, they only wanted to do it around the periphery, around the outer edges, and that wasn't going to do it that *would never do it*. We were eventually going to have to take this into Belgrade into the populated areas of Serbia. *So we had a lot of work to do to set the political conditions to do that*, and the bottom line is it took a while to do that but ultimately we succeeded and at a time when even at the highest level of our government, people were getting skeptical that this was going to work unless we put 500,000 troops on the ground. I was seeing signs that they were beginning to crack around the edges and that if we just increased the intensity and get the French on board to allow us to take some of those last targets we needed to hit: the power grid to basically shut down the power in Belgrade. Hit the tractor factory which employed 30,000 people and put them out on the street with no jobs that would be the...ultimately we did, with a direct call to the French President and the minute we did that, the power went out, the people came to the streets. [Emphasis added]

Here is shown the different levels of accountability from the point of view of a policy maker and the focus on end goals. More to the present point, combined with the previous statements it shows that for policy maker's, moral agency is changeable, and as differentiated from those in the NGO community that they are unlikely to appeal to such agency directly.

Suggestions that there are more concerns than solely human rights in these operations does not necessarily suggest a complete absence of moral concerns. This analysis, though suggesting that the lesson of these comments is not the professed commitment to human rights but something more complex is again not suggesting there

is something sinister about this, the object of this analysis is not as Arendt suggests exposing supposed hypocrisy as an end in and of itself:

However deeply heartfelt a motive may be, once it is brought out and exposed for public inspection it becomes an object of suspicion rather than insight; when the light of the public falls upon it, it appears and even shines, but, unlike deeds and words which are meant to appear, whose very existence hinges on appearance, the motives behind such deeds and words are destroyed in the essence through appearance; when they appear they become 'mere appearances' behind which again other, ulterior motives may lurk, such as hypocrisy and deceit. The same sad logic of the human heart, which has almost automatically caused modern 'motivational research' to develop into an eerie sort of filing cabinet for human vices, into a veritable science of misanthropy, made Robespierre and his followers once they had equated virtue with the qualities of the heart, see intrigue and calumny, treachery and hypocrisy everywhere. (Arendt 1990: 96)

This analysis is meant to work to develop a better understanding of the dialogue taking place, not to suggest one side is right and the other wrong. This may seem redundant but the discussion of moral matters can often lead to misinterpretation and at this early stage in the discussion it is important to maintain clarity of intent.

The answers of subjects on the question of moral agency tells us about their perceptions of international and world societies and their role within them. The purpose of engaging in an analysis of where the actors see themselves accountable to is meant to feel out on this question what their underlying perception can tell us about international and world society. In asking questions about where they see themselves accountable to it

gets us towards an understanding of what they view as morally relevant actors. The fact that they identify accountability towards both domestic and world populations suggests that they see both as possible locations for morally relevant accountability. This presents a factor within the policymaking community that will continue throughout and will be delved into deeper in subsequent chapters, the complication that policymakers have of multiple levels of accountability and the influence of domestic politics on foreign policy decision-making.

Before moving too far from this caveat I should take some time to add another that this is all presented based on an interview with one subject in the policymaker group and that they may have particular bias when making these statements being of a military background. I do not suggest that the view of a military leader can be taken as representative of the views of all policy-makers, standing alone. However the candor and depth of the response does warrant some consideration and should be taken along with the following points as an example that suggests a trend.

The orientation towards accountability to domestic publics confirms policymakers' orientation to international society, but the concern of world public gives some credence to world society. On the underlying question of world and international society, their answers to this question and what that shows us about their understanding of their moral agency tell us that there is at the least an awareness of the moral relevance of both international and world society. Their orientation towards primacy of domestic populations shows they are oriented more towards international society, which is not very surprising but confirms the prediction. Concern for a wider population is more surprising but fits within the prediction and confirms that there is, at least on the part of actors, an

intuitive understanding of world society. This gives us only the beginnings of the trend though and does not give enough evidence to draw strong conclusions at this stage until we have completed our analysis of how the trend holds up through all three layers of the framework.

In the same spirit not of interrogating motives but understanding their conceptions of themselves and their role in society I turn to an analysis of moral agency from the perspective of actors in the NGO community.

An example from issues around the UN shows that NGO's routinely invoke moral agency for a variety of levels of actors. It is fairly straightforward to make the case that NGO actors behave in the predicted ways. Focusing on the reports of Amnesty International and Human Rights Watch one can see that they commonly hold to account a variety of levels of moral agency, from the supranational, international society, national, subunits of governments and other groups. To demonstrate this point, here is an example from their overview of work at the UN level:

The UN's own leadership proposed a number of far-reaching initiatives, but the limited outcomes of the UN World Summit in September revealed how the politics of narrow national self-interest continued to trump multilateralist aspirations.

(<http://web.amnesty.org/report2006/index-eng> 2.2.2007)

This quote emphasizes their multilateral aspirations. A further example shows how they have sought to persuade the UN directly on arms control:

Under the resolution, the UN must collect states' views on the feasibility, scope and parameters of a treaty, then in 2008 set up a group of experts to establish the basis of a comprehensive, legally binding treaty. As a direct result of the campaigning before the vote, the UN resolution contains an explicit reference to governments' obligations under human rights and humanitarian law. While AI is eager for rapid advances, in UN terms progress has been extraordinarily swift. The resolution could be a key first step towards a worldwide ban on transfers of arms that devastate the lives of hundreds of thousands of people. (<http://thereport.amnesty.org/eng/A-year-in-campaigning/Control-Arms> 2.2.2007)

While these quotes show that Amnesty focuses on work in the UN it fails to show a consistent view of moral agents when compared to other comments.

At other points NGOs point to actors more limited than the entire UN. In other parts of the same report they invoke the agency of the UN Security Council specifically:

While the UN Security Council's referral to the ICC of crimes committed in Darfur, Sudan, was a positive step in addressing impunity, it was disappointing that the Security Council, as part of a compromise to ensure US support, included in its resolution a provision to exempt nationals of states not party to the Rome Statute of the ICC (other than Sudan) from the jurisdiction of the Court. In AI's view, this provision creates double standards of justice and violates the UN Charter and other international law. (<http://web.amnesty.org/report2006/index-eng> 2.2.2007)



Which leads to an invocation of another supranational actor: the International Criminal Court, adding another agent at a similar if more limited level of organization.

The ICC continued to investigate crimes committed in the Democratic Republic of the Congo, but did not issue any arrest warrants during 2005. It also undertook preliminary analyses of eight other situations. However, the President and Prosecutor of the ICC suggested that resource constraints would limit its ability to undertake any new investigations until the current ones were completed.

(<http://web.amnesty.org/report2006/index-eng> 2.2.2007)

And yet another, this time a regional entity, the Council of Europe is cited as a moral agent.

“The active involvement of European states in US rendition flights, or their denial of any knowledge about them, was spotlighted in AI’s June report, Partners in crime: Europe’s role in US renditions (AI Index: EUR 01/008/2006). AI lobbied Council of Europe (CoE) member states to investigate these abuses themselves and to cooperate fully with CoE investigations, and called for CoE guidelines on controls of domestic and foreign secret services and of transiting air traffic.”(<http://thereport.amnesty.org/eng/A-year-in-campaigning/Control-Arms> 2.2.2007)

As a whole all of these actors: the UN, the UN Security Council, The International Criminal Court, and the Council of Europe represent moral agents that Amnesty in particular seeks to hold accountable.

Extraordinary rendition and the flow of refugees show NGOs pointing to International Society actors as morally accountable. Actors in this group also however appeal to International Society, as understood as being the society of states as well, such as in their work on extraordinary renditions which are used notably by the US and UK to send prisoners to be interrogated by allies where the use of torture is less restricted. Here invoking an international commitment to ‘rule of law’, which could be noted to be a particularly western connotation to their comments:

AI continues to call on all states to stop renditions – no one should be forcibly transferred abroad outside the rule of law. It also calls on states to investigate and prosecute those responsible for the human rights violations connected to this practice, and ensure full reparation to the victims and their families.

(<http://web.amnesty.org/library/Index/ENGACT400092006?open&of=ENG-2U3>  
2.2.2007)

Similarly this level of moral agency is invoked on the issue of refugees, an issue where it is difficult to assign responsibility to particular actors.

For refugees living in camps, conditions worsened in 2005, particularly as many faced reductions in food rations – a sign of the failure of the world’s governments to fulfill their international obligations to share the responsibility of protecting and assisting refugees. This often resulted in an increase in violence against women, including domestic violence, and sexual exploitation of women who were forced to exchange sex for food rations as their only means of survival. Refugees continued to be denied freedom of movement outside camps and so were unable to earn a living, raising serious questions

about the impact of long-term encampment policies on the rights and lives of refugees. In urban settings, many refugees were denied legal status and the right to work, forcing them into destitution or into a dangerous search for survival elsewhere, sometimes by travelling to other countries. (<http://web.amnesty.org/report2006/index-eng> 2.2.2007)

These examples show appeals to moral agents at this second level of international society.

NGO actors also invoke state level actors. Transitioning from that to agents at the state level the following quote incorporates a combined appeal to “governments” both as members of international society and as self-interested states:

Crucially, AI urges all governments not to respond to terror with terror. It has repeatedly exposed and condemned human rights violations committed in the name of security as well as measures that undermine fundamental human rights, such as torture and cruel, inhuman or degrading treatment.

(<http://web.amnesty.org/library/Index/ENGACT400092006?open&of=ENG-2U3> 2.2.2007)

The quote invokes a strategic concern to appeal to a state’s interests, but at the same time appeals to ‘fundamental human rights’ a broader notion implying a different level of agency. Similarly the following quote invokes both these levels on the issue of refugees, more specifically border controls:

For governments keen to minimize their obligations to protect refugees, the rhetoric of the “war on terror” provided yet another excuse to increase border controls. In many

countries, politicians and the media fuelled xenophobia and racism, falsely linking refugees with terrorism and criminality and whipping up hostility towards asylum-seekers. (<http://web.amnesty.org/report2006/index-eng> 2.2.2007)

The fact that governments are invoked here shows an understanding that state level actors are morally relevant as well.

NGOs also invoke state actors directly. Moving directly into addressing States as actors in and of themselves and shifting focus to another prominent human rights NGO, Human Rights Watch here addresses the government's of specific states, in this case the Government of Tony Blair during his last year in office:

The government also ramped up its efforts to circumvent the global ban on torture and deport foreign suspects to places where they face the risk of mistreatment. It has done this by seeking promises from Jordan, Libya, and other countries with terrible records of torture that the suspects would be humanely treated on return. But overwhelming evidence, including from the Joint Committee on Human Rights, indicates that such assurances are utterly worthless. Why on earth should a government which routinely flouts its obligations under international law bother to honour a non-binding bilateral agreement with the UK? (<http://hrw.org/english/docs/2007/06/21/uk16229.htm> 2.2.2007)

And later the current efforts of his successor Gordon Brown,

The government is seeking to persuade the European Court of Human Rights to overturn long-standing case law by allowing an exception to the total ban on returns to ill treatment. And until the Law Lords ruled otherwise in December 2005, it asserted that it

had the legal right to use evidence obtained under torture, as long as the UK was not involved. (<http://hrw.org/english/docs/2007/06/21/uk16229.htm> 2.2.2007)

These examples show an understanding of agency as the current administration or cabinet of a particular state.

Their understanding of state relevance to moral question also extends to the other side of the Atlantic. In a further example they shift their focus to the US administration of President George W. Bush:

The continued detention of approximately 375 men at Guantanamo Bay, without charge and without any meaningful review of the legal basis of their detention, has directly undermined US efforts to end terrorism. The loss of moral high ground caused by the ongoing detentions at Guantanamo has been a boon to terrorist recruitment. It weakens public cooperation with law-enforcement efforts, which is far more important for cracking terrorist conspiracies than squeezing bits of information from suspects in the interrogation room years after they were captured. As Colin Powell aptly stated, Guantanamo is “doing far more damage than any good.” (<http://hrw.org/english/docs/2007/07/02/usint16325.htm> 2.2.2007)

These examples again show some consistency in understanding the current rulers of a particular state as being the ones to be held responsible for the actions taken in the name of that state, but combined with the other quotes shed some doubt on their focus being on a particular type of agency.

The complexity of modern states governing apparatus also illustrates a lack of a consistent understanding of what makes a morally relevant actor. Further examples show that other parts of a state's governing apparatus are invoked as well, here the US Congress:

Several bipartisan measures are now before Congress that in one form or another would restore habeas to the Guantánamo detainees. That is important and necessary. But the Bush administration need not wait for a new law to be enacted. Abraham showed forthrightness and courage by publicly raising his concerns about the CSRT [Combatant Status Review Tribunals] process at Guantánamo -- perhaps at the expense of his distinguished army career. The administration could show similar fortitude and take steps now, rather than later, to restore an independent check on detentions and ensure that the United States is no longer holding anyone outside the pale of law.

(<http://hrw.org/english/docs/2007/06/22/usdom16239.htm> 2.2.2007)

And later the Pentagon, taken here to mean the US Department of Defense:

It's now clearer than ever that the Pentagon used the CSRTs to paint a veneer of legality over a largely predetermined decision. If this isn't troubling to the Bush administration, it should be to the American public. Not only are people being held for years unjustly, but the military's efforts and resources are being misdirected from those who really have the intention and means of doing the country harm. Adding these dubious panels to the Guantánamo mix of indefinite detention, abusive interrogations and unfair military commissions, and it's not hard to understand why the U.S. has received less than full

support from its allies in the fight against terrorism.

(<http://hrw.org/english/docs/2007/07/02/usint16325.htm> 2.2.2007)

And finally, US Federal courts:

Instead of trying to fix a CSRT process that is fundamentally flawed, the federal courts should be hearing the detainees' habeas petitions. But a "court stripping" statute blocks the way. Under the Military Commissions Act rushed through Congress last fall, the courts are prevented from reviewing habeas petitions brought by Guantánamo detainees or other nonnationals held abroad. By tampering with a fundamental right that dates back to the Magna Carta, the act threatens the protections against unlawful detention to which we are all entitled. (<http://hrw.org/english/docs/2007/07/02/usint16325.htm> 2.2.2007)

Taken together these quotes fairly, clearly illustrate the difficulty of the concept of Moral Agency in International Relations and even within a democratic government due to the complexity of their structure. They also illustrate that within the NGO community it is not seen as a concept worth addressing, instead they appeal to whoever it is convenient to them at the time, the very definition of appealing to an agent-of-last-resort.

Actors below the state level are also invoked. Adding a further level of interest, these examples show that even agency below the state level is invoked, such as in their discussion of Terrorism in which, “AI urges all armed groups and individuals to stop using violence against civilians in pursuit of their aims. Violence and terror only breed more violence and terror.”

(<http://web.amnesty.org/library/Index/ENGACT400092006?open&of=ENG-2U3>)

2.2.2007) Contrast to this the invocation of using ‘a million people around the world’ volunteers to put their picture on a website in solidarity to lend moral support to their campaign to control arms, invoking a universal level of agency:

More than a million people around the world posted pictures of themselves on the Control Arms website for the Million Faces Petition. Supporters ranged from Archbishop Desmond Tutu to the entire French football team. The millionth face was that of Julius Arile, an athlete working for peace in Kenya, who presented the petition to UN Secretary-General Kofi Annan in New York in June. To lobby governments before the UN debate, the Control Arms campaign published Arms without borders(AI Index: POL 34/006/2006), a report on the globalized arms trade. (<http://thereport.amnesty.org/eng/A-year-in-campaigning/Control-Arms> 2.2.2007)

I think these last two examples nicely bookend the lower extreme of possible Agents, people as individuals and “groups” (the most basic form of agent greater than the individual), are both fair game.

The understanding of moral agency by NGO actors being agent of last resort also came out in interviews. While these represent the views of but a few subjects in the NGO community some insight can be gained from the way that they phrase their responses and the terminology they use. Consciously or unconsciously the use of certain phrases and constructions can give us some insight into the views that some within this community hold. One in particular described their organization as “inherently multi-lateralist” when asked to elaborate on what that meant the subject said that they focused on getting states to cooperate on long-term policy for global issues. Taken on its own this could be fairly



consistent with a states as agents view, but in describing how they sought to solve those issues they emphasized a variety of methods at various levels, not just the state, which suggests not just multi-lateralism, but any and every which-lateralism.

An interview with another subject from the NGO community also showed an understanding of agency existing at a variety of levels. Another subject said they were focused on, "...addressing issues where lots of countries are affected and no one can do it on their own" Again seeming to reiterate this same point, but on elaboration of what that meant the subject invoked work that addressed a variety of agents. This then shows that even down to the basic mission statements espoused by their members many NGO's are working on agents at whatever level. This substantiates along with the statements released from such organizations that this view exists within the community.

The failure to articulate a coherent understanding of moral agency can be evidenced in internal struggles within organizations. It is further emphasized by the problems that some actors in this group cite with their organization. A failure to coherently articulate who it is that these groups wish to hold accountable has led to conflict within Amnesty in particular over which human rights concerns deserve their attention:

Blindness to local human rights concerns, which disproportionately affect the minority staff, exacerbates the whiteness of Amnesty. Early in my fieldwork, I asked a program director about multiculturalism and received a very animated reply about the IS [International Secretariat] as 'abominably self-righteous, abominably pompous, abominably elitist.' The outside world in London, I was told forcefully, was more multicultural than the IS (and there were plenty of people, he added, doing just as

valuable work in local advice centers throughout the British capitol)... 'I just can't see how you are going to test that some prominent political activist who got badly treated in Chile counts for more than some women in southeast London who are getting beaten up by their husbands every night of the week. But that's not called a human rights violation. It's so full and suffused with value judgments and culture inherited for a particular period of the early sixties. It's indefensible. (Hopgood 2006: 165)

This became a particularly volatile issue surrounding Amnesty's Work on Own Country (WOOC) rule. The rule meant that human rights workers could not work on human rights issues in the country where they were from, in the interests of avoiding the appearance of bias. However this leads to resentment where some human rights activists who attempt to join Amnesty are concerned:

And again for me, as an African, who has worked in my own country, it is a misunderstanding of what human rights is. *Human rights in the south is domestic. Human rights in the north is foreign policy. You've gotta decide where you're going to be.* If you're going to be a real human rights organization, its gotta be domestic issues. (Hopgood 2006: 98 quoting an IS staffer from the 1980's, emphasis added)

The emphasized point illustrates the issue exactly. At the root of the problem is a failure of Amnesty to form a coherent idea of moral agency. So if any agent goes there will be some within the organization that want to know why some issues at a certain level of agency seem to be ignored. This leads to the question of not only how do these actors see moral agency working for others but also how it functions within them.

The accountability of NGOs to a broader population is also a relevant question. Many critics of Non-Governmental Organizations focus on their undemocratic nature and questions of how exactly it is that they are accountable to those they claim to represent (most often “those who cannot speak for themselves”). It is given particular focus when these organizations are pointed to as part of a global movement. For instance Chandler wonders, “Whether we would need the self-appointed spokespeople of Food First, the World Development Movement, or the countless other think tanks and NGOs which advocate for the ‘millions of dispossessed’, if there really was the emergence of any type of mass movement is a moot point.” (Chandler 2004: 328) This becomes a problem because if it is unclear how it is that these organizations are accountable to the people that they claim to be advocating for it opens up the opportunity where, “A skeptical observer would no doubt suggest that the more marginal an opposition movement is, the more able are academic commentators to invest it with their own ideas and aspirations. These normative claims can then be used by any institution or individual to promote their own importance and moral legitimacy.” (Chandler 2004: 328)

Advocacy groups make claims to special knowledge, which leads to questions about their democracy. Most often these organizations justify their positions as representatives of the ‘millions of dispossessed’ through claims to knowledge. Whether this be knowledge gained through fieldwork in countries, visitations to prisoners, or having come from a system of oppression, this claim to special knowledge and thereby moral power can often serve simply to feed into the elitism critique. Baker suggests that, “Taking a wider perspective, it is worth questioning how institutions that assert moral

authority can ever be held to account democratically, particularly when this is tied up, as it must be, with claims to special knowledge.” (Baker 2002: 936)

Lack of downward accountability is partly due to incentive structure for organizations. Kilby also points out that it is those organizations that have some kind of accountability to their constituents that are effective in influencing political actors:

...it is the NGOs’ ‘downward’ accountability to their constituents— the beneficiaries of their work—that is important in their effectiveness as empowerment agents: but as values-based public benefit organizations there are few incentives for them to be accountable in this way. (Kilby 2006: 951)

He suggests that while this is important to their legitimacy and influence there are still obstacles to such a system:

That is, while NGOs purport to represent the interests of their constituency, such as advancing the cause of the poor and oppressed, there is no clearly defined path by which they can be held to account by that constituency (who have little power in the relationship) in how they represent those interests. (Kilby 2006: 952 citing [Najam, 1996](#))

While they provide an important role in bringing the issues of the dispossessed to the table there is little feedback from those dispossessed in how their troubles are framed to political elites, opening up the possibility of an organization investing the plight of the unrepresented as part of a larger struggle or their own ends when that may or may not be the case.

Somewhat ironically lack of democratic institutions is combined with the acceptability of cross border intervention with NGOs. Kilby further suggests that “The problem for NGOs is that this constituent scrutiny is difficult as the accountabilities that they have to respond to are multiple, complex, and diffuse (McDonald, 1999); and the, tools of enforcement are limited...” (Kilby 2006: 253) This also leads to another question tied to moral agency. Why is it routine for these organizations to engage in activity that would be unseemly for a state actor? That is why can they regularly intervene in the affairs of other countries and that be seen as a norm when a state actor requires copious amounts of justifications to legitimately begin to consider such interventions in the affairs of others: “Why global civil society can interfere in other states without legal foundation when this is forbidden to states themselves is not clear, nor is it apparent why ... civil society organisations, unlike states, will never act for their own narrow ends.” (Baker 2002: 936)

The increasing influence of some organizations leads to other problems as they are invited to participate in policy and sign international agreements. There is a further dilemma for these organizations to face. As they gain in influence and are increasingly given a seat at the table in multilateral agreements, what is their standing as a moral agent when they play a role in the negotiation of these agreements?

...as cosignatories of key summit agreements *all* parties are complicit in the official outcome. NGOs in particular, now cosignatories as well as critics, are *equally* accountable to their constituencies, funders, and governments for official courses of action or inaction as the case may be. (Franklin 2007: 311)

This again feeds into the question of accountability, as cosignatories of agreements, what happens if those agreements fail or are used towards negative ends. What is the organizations role then if they are not just witnesses shedding light on a problem, but the agents that created it to begin with.

The balance that these organizations must strike between being insiders with influence and outsiders pressuring for change is a recurrent theme that will be explored in different dimensions in each of the next two chapters. This is the central tension of the organization that can be represented along a number of different axes. It is introduced here on the question of their moral agency.

The answers of NGO actors to the question of moral agency can tell us some things about our underlying question on the nature of international and world society. The fact that these actors are likely to emphasize agency at a variety of levels shows that the prediction of their ascribing to an idea of agent of last resort holds true. In so doing it suggests that they are willing to operate at a number of levels within society. While this is driven by strategic concerns it does illuminate that they have some conception of society of both international and world varieties. They seek to influence actors to work their cause through either or both.

The trend for policymakers was to emphasize state level actors, or responsiveness to a domestic public over a world one. This reinforces the idea that they are primarily oriented towards international society but that they have a conception on some level of the idea of a world society as they are willing to suggest the importance of responsibility towards that wider public. The fact that they feel some level of accountability towards a domestic constituency also changes the picture as it means that the type of partisanship

we see on domestic issues may have more of a relationship to foreign policy and that non-governmental actors do not change where the ideological divide lies on international issues as completely as supposed at the outset of this study. This complicated relationship will be one I return to after an initial analysis of the framework.

International and World Society illustrated as being a conception that actors hold and that they orient themselves within those two spheres as predicted. Taken together the analysis of both these groups on the issue of moral agency shows that the broader prediction of an NGO orientation towards world society and a policymaker orientation towards international society also holds true. The idea that these are two separate spheres is given some credence but it also shows that the border between the two is not static, inflexible or most importantly, mutually exclusive. A point that is further developed as we turn our attention to the question of how these two groups assess the relationship between order and justice.

### ***Order vs. Justice***

Moving now to the question of order vs. justice between these two groups I start again with a discussion of policy makers then move on to discussion of NGO's. To review the predictions, as part of my framework I suggested that Tree A actors would give primacy to concerns of order in international relations. Tree B actors would give at least equal if not primary consideration to concerns for justice, emphasizing individual and universal claims over state-specific ones. I follow a similar structure as the last

section, looking first at the claims of policy makers and then at the claims of those in the NGO community in turn.

Order is the primary emphasis of policy makers. I begin again quoting at length from a subject from the policy maker group. The depth of the answer he gave to my question warrants some attention and provides a much fuller picture than I could by cherry picking the lines that substantiate my argument, and I again emphasize those points that are of particular interest to the question at hand. When asked about Operation Uphold Freedom in 1994, a multi-national intervention in Haiti, the subject's response proves quite revealing of views on the question of Order.

My plan militarily was to *go in with overwhelming force* by landing overnight 7 battalions of paratroopers, landing 1-2 battalions of marines, and through the use of special forces to basically disable all the Haitian forces and basically by sun-up *have control of the island save for the forces that would go to ground, which we knew from the beginning would be a problem. Using overwhelming force unlike Iraq where we tried to minimize forces.* Here they were trying to hold me back, saying 'you need to limit your troops to 20,000, it's only an island the size of Maryland.' But that's a big place so here the plan was to own it and stop it overnight and not allow the Haitian military to continue to beat up on and kill the population, and the police. Here the military and police were analogous, different commanders but taking orders from the same guy. As the paratroopers were en route and the marines were about to land we had to stop them for negotiations, and we then went in under what was coined by Carter, and Sam Nunn, and General Powell who had negotiated with General Cedras to be a 'Spirit of Cooperation and Negotiation' and so when we eventually landed, I defined that with Cedras and it went like this you cooperate with me and I'll coordinate with you. *You fail to cooperate*



*and I will take you down you will be nonexistent in a matter of hours*, and he understood that. So we set the stage and set the conditions right up front and it went amazingly well.”  
[Emphasis Added]

The emphasized points especially show the primary focus of the operation to be imposing order in Haiti. While there were worsening human rights abuses going on in Haiti, the major concern of outside countries was the destabilization caused by refugees from Haiti.

Policy makers seem to emphasize not just power but the projection of power. The subject continued detailing the operation once control of the island had been established.

We then began pursuing ‘the bad guys’ the ones causing the problem and *it was almost more of a criminal element than it was an army or military resistance*, and it ended up being a very successful operation, with no loss of life save for one night when the Haitian Military 3/4 weeks into the operation decided to take on a Marine patrol one night and the body count was 11 to zero in our favor and didn’t have any more problems with them after that. I took General Cedras and showed him these people laid out and told him that he needed to get the word out that if people want to take us on they’re going to die just like these guys did, and that was it. I was then able to coordinate getting General Cedras out of the country; he didn’t want to go but his wife Yanna, kinda pulled his strings. When I assured him that I wouldn’t be able to protect him once Aristide was back in power and that he would die, he then had a change of heart and overnight we were able to move him out of there into Panama. So overall a very successful operation, it could have gone either way. *By using overwhelming well trained military forces we basically showed the power of the US militarily to the degree that they didn’t want to take us on. I was criticized because I wanted to keep my people in Kevlar helmets and armor and armed at*

*all times, and when the marines encountered that resistance it proved to be the right thing to have done. And everywhere it just showed power, we were nice to the people we posed no threat to them. But we looked awesome, we looked like people that you don't want to take on, and that's part of it. Maintaining stability and security, letting people know that somebody's in charge that the thugs aren't going to come out and kill you if you step out of line. So it worked out ok."* [emphasis added]

Again we see an emphasis on the projection of power used to establish order and "letting people know that somebody's in charge". And again this only represents the views of one subject, but they are provided with a large amount of depth, context, and candor. I contrast this with a later response, when asked about how the decision is made where to intervene when there are so many "bad regimes".

Human rights concerns take a backseat to order. When asked about choosing when to intervene the subject responded:

"Yeah you have to choose carefully and commit forces only where you can get the most bang for the buck, where you can make the biggest difference. An understanding that we're not a world police force, what people call a bad guy *I mean...look at Aristide, he's a crook, he's a HR-violator and a thug, we helped...I helped put him back in because our government thought Jonassaint and Cedras were worse. I never thought for a day that was necessarily true to be candid. But he was the democratically elected, we were a democratic government lets put the democratic guy back in. All said and done when we put him back in, they weren't much worse off, he still had his party, he's still ruling by might and squandering the people money building a beautiful palace with imported Italian marble right in the middle of a squalor, and he guarded it with his military to keep*

the people from seeing the lavish lifestyle he was living behind those walls.” [ Emphasis added]

Clearly in this operation at least the primacy went towards stabilization, whereas any improvements in the human rights conditions were seen as secondary.

State action often emphasizes the establishment and maintenance of order over other concerns, often with an eye towards the longer run. Mayall makes a similar point about the sanctions imposed upon Haiti prior to the use of force, suggesting that:

Even when sanctions seem successful in helping to return a country to democracy, as in Haiti in 1994, they remain morally dubious. In that case, they undoubtedly increased the level of suffering of the population, but were considered necessary as a prelude to the Security Council resolutions authorizing military intervention, which in turn helped to restore the legitimate and elected government to power. (Mayall 2000: 111)

Mayall here suggests that there can be a tradeoff where long-term order deserves more primacy than the ending of a short-term problem.

Responding to the question of when to intervene with regard to a proposed “Responsibility to Protect” the subject further reinforced the primacy of order in the general case. I asked further questions about deciding when to intervene, under the context of the proposed “Responsibility to Protect” from the ICISS report to the UN Secretary General in 2001. His response was as follows:

I don't know about it, but I think as with everything you have to be very careful when you say we're going to intervene. *It comes down to right up front you have to say: "what is the end state that you're going to achieve" "What is the outcome?" Then you go back and see how realistic is that outcome and what will it take to achieve that, and lay out the forces and lay out the resources and look at how effective you can be and how long it will take to do it.* We have to be very careful; *there are some places where the commitment of large-scale numbers of troops is not going to solve the problem.* I don't know what the right answer is in those cases, but I do know that if you aren't careful particularly if you end up with an organization that uses other people troops and has very little skin in the game *it could not be in the best interests of the US.* We need to make sure that for the commitment of our troops, which we have a limited number as we're finding out right now. There's talk about going into Iran and I look into our commitments and I say how are we going to go into Iran particularly if they resist like the Iraqi's have, like I'm sure they would. So you've got to make sure all of that's being thought through before you start committing your troops because they want to do good for all people in the world and the first thing you know you're committed in 30 countries which we don't have the armed forces to do. To be very candid, peacekeeping operations, peace enforcement operations while appropriate at times, while our troops should be used in those on some occasions. They to some degree if done over a period of time affect the readiness of your forces. Because you're not using your war fighting skills when you are involved in them. It requires a large number of troops trained and ready for war fighting, rather than just a force that intervenes and is a peace enforcement type operation. They're almost mutually exclusive, not quite but there are a lot of skills that you don't get to practice. [emphasis added]

Here stepping back from the particular case of Haiti and looking at a broader perspective of intervention in the theoretical case we again see the same emphasis on the achievement of national goals limiting policy. Part of this is a pragmatic assessment of the limits of military intervention and the limited supply of troops but the ultimate limiting factor is figuring out what is in US interest. Again this substantiates the prediction.

The idea that national ends are of primary concern is reinforced by the report from the International Commission on Intervention and State Sovereignty, which proposes the idea of “Responsibility to Protect”. One of the recommendations of their report is that:

8.8 The key to mobilizing international support is to mobilize domestic support, or at least neutralize domestic opposition. How an issue will play at home – what support or opposition there will be for a particular intervention decision, given the significant human costs and financial costs that may be involved, and the domestic resources that may need to be reallocated – is always a factor in international decision making, although the extent to which the domestic factor comes into play does, however, vary considerably, country by country and case by case. (International Commission on Intervention and State Sovereignty, 2001: 70)

The commission suggests that international action starts on the domestic level, gaining the support, or at least the lack of opposition, of the domestic populace. This again suggests an emphasis towards order (“at least neutralize domestic opposition”), suggesting that justice, which is a primary concern of the report, can only be achieved through order. It also once again introduces a front on which domestic politics feeds into international level decision making complicating the picture.

What type of order these actors emphasize is another key telling point on how the relationship between world and international society works. While policymakers tend to emphasize domestic order there is also the connection to international order. The ICISS report suggests that:

1.20 Intra-state warfare is often viewed, in the prosperous West, simply as a set of discrete and unrelated crises occurring in distant and unimportant regions. In reality, what is happening is a convulsive process of state fragmentation and state formation that is transforming the international order itself. Moreover, the rich world is deeply implicated in the process. Civil conflicts are fuelled by arms and monetary transfers that originate in the developed world, and their destabilizing effects are felt in the developed world in everything from globally interconnected terrorism to refugee flows, the export of drugs, the spread of infectious disease and organized crime. (International Commission on Intervention and State Sovereignty, 2001: 5)

In the view of policymakers, while it is domestic order that takes precedence or is what is emphasized, there is also a view towards it being a vital key to achieving international order.

Some regimes want to use their military to solve a broad range of problems because it shows their constituents an immediate, if not always the most effective, response. Following on from questions about what it is that makes the US want to use its military seemingly so readily for a variety of situations, particularly in the context of the current “War on Terror” the subject suggested:

The US tends to want to do things rapidly. We are almost an instant gratification type of government. When the President says I'm going to do something, he thinks of it in terms of 'how fast can I do it and get these people off my back. How fast can I turn the polls results around?' The US, we'll give you action, I guarantee you right now if you wanted a strike Iran the military can do that within a matter of hours. *You can produce activity, not necessarily progress very quickly. You can dig yourself a hole very quickly too by using that.* That was my main concern September 12<sup>th</sup> when we went over to discuss what we would do about 9/11. That we would once again default to the military, because we are fast and produce activity. And the President can go on television and say 'I'm doing something'. It takes a lot longer to build a diplomatic consensus, a political consensus, to make economic tools come into play and therefore go bomb some training camps like we did on occasion. It will make you feel good, because you did something. But it really won't do anything to stop terrorist attacks, they've got hundreds of other areas they can train and that's only one small country where they can. They're training in a lot not just Afghan. *So the military should not be thought of as the answer to terrorism. It is one tool in the kit bag of the Presidential options which include political diplomatic economic, informational and the military.* [emphasis added]

This echoes the point in the earlier section that responses to terrorism were limited prior to the 9/11 attacks due to the lack of public will, but more specifically give an answer to the question of why policy makers put primacy on military solutions. This leads for the sake of this question to a focus on order as it is the easier aspect to deal with it can often be imposed with brute power, whereas justice rarely can. This presents only one actor's view but that seems to fit well within the wider context. It is perhaps counterintuitive as well that we see a military actor skeptical of a military-first policy approach and

suggesting that it is instead civilian political leaders and their need to appear to be taking action that leads to such an approach. We might expect someone of a military background to take a more militarist approach, which introduces one possible complication on the policy-maker side of this equation.

The question of torture can show the other extreme, where concerns other than order are not just secondary but are seen as detrimental. Taken to the extreme this subservience to national interest can take the relationship from a primacy of order over justice, to order at the expense of justice. For instance when an administration uses security as a way to exempt themselves from international standards of justice. The example that springs to mind is the use of torture on detainees in the “War on Terror” and extraordinary renditions discussed in the sections on NGO’s. During 2005 when the US Congress attempted to pass legislation limiting the Bush administration’s use of torture it was met with resistance and was forced to have exemptions. “Bush said the ban ‘is to make it clear to the world that this government does not torture and that we adhere to the international convention of torture, whether it be here at home or abroad.’ The White House had threatened a veto unless the legislation contained an exemption for the CIA. The administration argued the bill would otherwise limit presidential ability to protect Americans from a terrorist attack.”

(<http://www.cnn.com/2005/POLITICS/12/15/torture.bill/index.html> 1.23.2007) Again this demonstrates the breadth of opinion of issues of order over justice within the policy making sphere, from the moderate position of justice being secondary to order, to the more extreme position of order at the expense of justice.



NGOs will invoke rights both for their own sake but also strategically to influence and shape public opinion. Turning now to look at this question from the perspective of NGO actors I would first point to the previous section. Taking a sampling from the previous quotes taken from NGO's, one sees many direct appeals to human or universal rights. To demonstrate a few: "restore habeas to the Guantánamo detainees. That is important and necessary" And "tampering with a fundamental right". Hardly surprising considering that they are human rights organizations; however the primacy they give these rights is what is notable. Furthermore we can see a trend of not just appealing to human rights but to justice and morality directly, "this provision creates double standards of justice," "no one should be forcibly transferred abroad outside the rule of law", and "The loss of moral high ground". All three of these examples appeal to different forms of morality or justice other than simple maintenance of order.

Another example shows that order is not ignored by NGOs. As predicted however order is not completely ignored by those in the NGO community. The next sample comes from the statement:

The continued detention of approximately 375 men at Guantánamo Bay, without charge and without any meaningful review of the legal basis of *their detention*, has directly undermined US efforts to end terrorism. The loss of moral high ground caused by the ongoing detentions at Guantánamo has been a boon to terrorist recruitment. *It weakens public cooperation with law-enforcement efforts, which is far more important for cracking terrorist conspiracies* than squeezing bits of information from suspects in the interrogation room years after they were captured. As Colin Powell aptly stated,

Guantánamo is “doing far more damage than any good.”

(<http://hrw.org/english/docs/2007/07/02/usint16325.htm> 2.2.2007)

Here we see that the rights invoked are invoked not only for their own sake but also in a strategic way, appealing to the national interest of combating terrorism and acknowledging that order is of importance.

How NGOs react to grievous human rights cases also illustrates the point. We further see the primacy or equality of justice by NGO's in the methods they advocate, which often emphasize international or extranational solutions to some issues, notably in the formation of extranational legal bodies to hear cases of grievous human rights abuses. For instance in the case of the Srebrenica Genocide:

2005 was the 10th anniversary of the massacre of around 8,000 Bosnian Muslims after the UN “safe area” of Srebrenica fell to the Bosnian Serb Army in 1995. While crimes committed in Srebrenica have been recognized as amounting to genocide by the International Criminal Tribunal for the former Yugoslavia, the women of Srebrenica whose husbands and sons were killed are still waiting for most of the perpetrators to be brought to justice. In June, AI voiced concerns to the UN Security Council about its efforts to close the International Criminal Tribunal for the former Yugoslavia without establishing effective national courts to deal with the tens of thousands of crimes that the Tribunal was not able to investigate and prosecute.

(<http://web.amnesty.org/report2006/index-eng> 2.2.2007)

Srebrenica provides one case where NGOs appeal to international or extranational bodies or their formation.

The case of Cambodian genocide also provides an example of where NGOs seek justice through international or extranational bodies evidencing a primacy or at least equality in their mind of justice over order.

Some progress was made in establishing special courts – Extraordinary Chambers – for Cambodia. These were expected to try no more than half a dozen people for crimes committed while the Khmer Rouge were in power, while tens of thousands of others continued to benefit from a national amnesty. AI was concerned about the composition of the courts and whether the Cambodian judges would have the necessary training and experience, given the serious weaknesses in the Cambodian judicial system.

(<http://web.amnesty.org/report2006/index-eng> 2.2.2007)

This emphasis on Extraordinary Chambers and International Tribunals shows the NGO's commitment to justice overriding concerns of territorial legal jurisdictions or concerns for questions of sovereignty; these are extraordinary crimes whose victims deserve justice one way or another.

The internal policies of NGOs can also illustrate a concern for justice above other concerns such as order. To further substantiate the primacy given to justice I would again point to such voluntary regulations by NGOs such as Amnesty's WOOC rule, as an African Researcher said:

I've frequently come across situations where I've been really thankful for that own country rule. You know...the way that governments will of course always accuse Amnesty of being biased...and they may, you know, sometimes they get really personal

with those things and say that because so and so is from X country that proves he or she is partisan, or whatever it is. And it's actually great to be able to turn around and say, well actually no... Precisely because that person lives in that country, they're not allowed to work on it. (Hopgood 2006: 97)

This is the flip side of what was a criticism in the previous section. That rule had been in place because Amnesty places value on impartiality over other concerns, because this provided for moral rigor and served the larger purpose of promoting justice. Again this is a disregard for borders and constituencies in favor of justice. Recently however Amnesty has backed away from this rule.

NGOs tend to be more intractable when it comes to the views and values that they hold and espouse. In my fieldwork one subject from the NGO community talked about how, "NGO's tend to be much more set in their views than parliamentarians and those working in government." She suggested this was because they need to have greater clarity of purpose in order to accomplish their goals. This would seem to be consistent with the trend, if policy makers have an overriding goal of order they are going to have a greater number of negotiable points in order to achieve that in the particular case. For an NGO, which has more or equal concern for justice they must have a more static view, what's wrong in one case is wrong in another regardless of the outcome. As she went on to say, "Changing minds isn't always the answer, it's just getting them to think about their decisions that goes a long way."

This equality between the two is indicative not just of NGOs but any civil society actors, as they require some level of order in which to function. "Civil society was ineffective because there was no rule of law; there was no public control of violence."

(Kaldor 1999: 204) This is a key point, perhaps providing reasoning for a defense of the criticism that Amnesty tends to see human rights issues as part of foreign affairs. In an ordered state the organization works more effectively, however in failed states their functionality will be necessarily limited; meaning people from those states will see these organizations as a less viable method of achieving their ends.

International NGOs function best at influencing stable societies. There is a built in conservatism in that they only function best in stable societies. This is paralleled by a weaker trend of national independence:

...national independence seems vital to INGO activity. African and Asian INGOs were rare while these continents consisted mainly of colonies; after independence, many regional INGOs emerged. Put another way, national citizenship seems to be a precondition for world citizenship. (Boli and Thomas 1999: 33-34)

This complementary relationship between achieving order and achieving justice is again parallel to questions of multi-level citizenship:

National identity is so fundamental that national citizenship is, as it were, a condition for the activation of world-polity citizenship. What at first glance seems likely to be a conflictual relationship- the connection between transnational identity and national identity- is, instead, a complementary one. (Boli and Thomas 1999: 61)

So suggesting that these organizations are grounded in orders is not to reject the idea that they can function as part of a world society.

NGOs seek to work within multiple spheres and appeal differently to different parts of society while potentially drawing in all. Together they can be seen as a function of the organization of NGOs, in which:

...human nature, agency, and purpose are universal, and this universality underlies the many variations in actual social forms. Most INGOs are quite explicit about this: any interested person can become an active member, and everyone everywhere is a potential beneficiary of INGO activity. (Boli and Thomas 1999: 35)

Taken as a whole these different indications, civil society, multi-level identity, and organizational nature all point to a greater culture of order and justice being seen as complementary if not equal, order being a necessary condition for justice to occur. This is however differentiated from the policymaker position of granting primacy to order in that justice is seen as at best a happy coincidence but not as an equal goal, though it still acknowledges the role order plays. As a restatement of the earlier extreme, it is justice not at the expense of order but through it. The fact that NGO's operate under the guise of agent-of-last-resort is largely a function of their overriding commitment to justice. They will work for justice at whichever level of agency they think will get them there.

The views of NGO actors on the question of order and justice can tell us something about the underlying structure of international and world societies. While the previous section suggested that there was indeed a divide between the two, porous and flexible though it may be, the actions of NGOs on this question, that they are likely to emphasize the importance of both sides of the order/justice divide suggests that they see themselves with a foot in both societies as it were. Though this does not necessarily

present a conflict to the conceptions of world and international society as it is suggested that belonging to one does not mean one cannot act in the other. This is similar to the claim on the question of world citizenship whether it is necessarily in conflict with the concept of state citizenship. On that question Dower suggests that world citizenship does not necessarily diminish state citizenship, “But there is no reason not to see this relationship as generally complementary, just as a layer of European citizenship can be meshed into the national citizenship of Member states.” (2002: 39) So we have in the results a finding that perhaps emphasizes this point. Though we might suggest that NGO actors do this for strategic purposes, engaging in their cause through whichever society will work, the tension between their actions in each perhaps illustrates the complexity of the interaction between the two.

### ***Everything as Expected?***

Similar results do not always mean that actors follow the same course. This chapter has covered the two levels of the framework on which the predictions tended to be accurate. First I covered the question of moral agency, which sets the ground rules of the debate on human rights between these two sets of actors. On this issue it seems true that while neither consistently focus on any level of agency they do so for very divergent reasons. For policy makers this is because they are less willing to invoke moral agency on an issue. For the NGO actors this is because they hold any and all agents accountable. While the end result may be similar the way they get there is very different, perhaps

echoing a deeper seated disagreement and making resolution between the two positions difficult.

For policy makers order takes precedence, while NGO actors are more likely to emphasize concerns tied to justice. One of the possible deeper-seated questions is that of pursuing order or justice in international relations. Again on this question the predictions turned out to be fairly accurate. The second section of this chapter demonstrates how for policy makers order overrides concerns of justice; this can run the gamut from order being a primary concern with justice secondary to order being so important that it seems justifiable to pursue it at the expense of justice.

Both sections show that there is more going on than the superficial argument would lead one to believe. Apparently these two dimensions of the argument do show us a trend towards deeper-seated philosophical disagreement being at the root of the superficial argument on policy, suggesting that these two groups are not simply on different points of the same continuum but are operating under fundamentally different sets of assumptions. In a way this is a somewhat disappointing result, while it was what was predicted the hope was that through exploring that prediction it would be found that the question is actually more complicated than this seemingly simple answer.

We have seen the beginnings of a trend on some parts of the framework however the divide between policymakers and non-governmental actors was predicted to supersede a partisan divide within the policy-making sphere on issues of human rights. It was supposed that the structure of international issues as having a smaller, more elite-level public audience meant that nongovernmental actors would take on the role of the “loyal opposition” on such issues. However the relationship between domestic and



international politics is perhaps more complicated than this, and the views within the policymaking community show more divergence on even these fundamental questions than earlier supposed, a complication that I'll come back to once the analysis of the initial framework is complete.

The fact that the predictions were largely accurate on these two questions allows us to sketch a picture of how the pattern between these two sets of actors connects the dots of our underlying concepts of international and world society. We have seen consistently on these two questions that the behavior we observe in these two sets of actors reifies an understanding of international and world society as valid concepts. The fact that these actors behaved as predicted, policymakers stressing order over justice, and emphasizing moral agency as most likely place at the state level while acknowledging a broader responsibility that is still subservient suggests an implicit understanding of their roles fitting the analytical framework of English School theory.

For NGO actors their emphasis of moral agency existing at a variety of levels, their willingness to engage agents at a variety of levels, and at the same time emphasize concerns of justice over or equal to those of order also fits our predictions and reinforces our underlying understanding. It further illustrates that the divide between these spheres while a worthwhile concept is at best fluid, these sets of actors may have an orientation towards one or their other but their willingness to strategically engage with one society or the other level suggests that it is a fluid border at best. This also fits well with our underlying framework.

This suggests validity to the overall structure of English School theory's three-pillar construction and gives us some interesting insight into the interaction between these

two groups. They have shown an at least implicit understanding of how the structure of the society they belong to affects their behavior and the behavior of their counterparts in this debate and suggests that there is a deeper level of philosophical penetration on the part of frontline actors than initially supposed.

On the final level of the framework however, it did turn out to be inaccurate and more complex than the simplistic prediction. This is somewhat surprising as that was level on which I was most confident in the prediction. So in a way this makes the results even more complicated than had all three levels been wrong or all three been right. What the incongruence between these two predictions about which there was less confidence turning out to be accurate while the third more confident prediction was not reveals a great deal more about this debate. This then sets up the structure for the next two chapters, the bad, and the ugly. In The Bad I will discuss that part of the framework which turned out inaccurate, the basis of rights, and what this means for the human rights debate. In The Ugly I will discuss what this overall incongruence means for the human rights debate, and discuss other problems that the fieldwork revealed.

## Chapter 3: The Bad: Basis of Rights

The goal of this chapter will be to explore the failed predictions. This chapter will examine that aspect of the framework for which the predictions proved incorrect, namely the basis of rights. In my framework I suggested that despite the appearance from their superficial statements, the two groups of actors were not simply at different points on the same spectrum, they actually had fundamentally different conceptions about human rights which could not be understood in this way. I predicted that the policy makers in tree A would be likely to stress the grounding of rights in a consequentialist understanding. NGO actors I predicted would not emphasize the grounding of rights, and in the case that they did it would largely be on deontological grounds.

Mirroring the previous chapter I will first explore the question of the basis of rights from the perspective of policy-makers. I will then move on to looking at the question through the eyes of NGO actors. Also like the previous chapter I will focus the discussion largely upon a few particular policy areas to analyze this divide, here using the debate over the use of torture and detainment in the “War on Terror” as primary examples. With both groups I will discuss how within each there is a variety of opinions upon the basis of rights with no clear preference towards either deontological or consequential grounds within either. From there I will explore some possible reasons for why this may be. Is it simply that the superficial appearance of believing the same things just to different degrees is correct? Is this just the wrong question upon which to explore the deeper divide? Does an agreement on a lack of grounds lead to different conclusions?

Finally I will discuss the implications of this failure within the framework and what it tells us about the divide between these actors, especially when the other parts of the framework seem to have been correct. I will especially focus on what this means for our underlying question of how this reflects upon the divide between international and world society. Here I will explore some other possible answers to the questions of grounds for human rights and what their implication would be if utilized by one or both sets of actors. This will then lead to a new set of questions that were not asked as part of the original design of the research, but to which it has shown the beginnings of answers. The intent from my methodological forecast being that my framework would require some adjustment as research progressed and require some adapting would seem to have been a wise escape valve to leave. These new questions are then explored in the next chapter ‘the ugly’.

### ***Policy-Makers basis***

Policymakers can at times emphasize deontological points; at others they would seem to employ consequentialist ideas. In one of my interviews with a policy maker while attempting to find out how he interpreted human rights it lead into a discussion about some current controversial policy-decisions and what his reaction would have been were he still in his position as a Presidential advisor. When asked how you offer your advice he told me, “You do what’s right. You provide your best military advice keeping in mind that your political leaders have other influences, but ultimately you do what’s

right.” However trying to determine how he came to the conclusion of “what’s right” is exactly what I was trying to determine. He elaborated:

When you look at some of these countries, human right issues, you almost have to change your mindset. *What’s human rights to us, and our understanding of human rights is such a far cry from other parts of the world.* That the idea that we can go in, and as President Bush said, “establish a free and democratic Iraq.” Now democratic like the US, I don’t think so. I’ll be 500 years old by the time you do that. They have their own system and you don’t change an entire system, an entire culture, it will take decades at least. Can you give them a form of democracy that will make them better and can you *clarify their understanding of human rights and what in the civilized world constitutes ethical and good behavior as opposed to HR violations.* Yeah you can do that but you won’t stop it overnight, you’ll go years before you change that entire mindset.

Here we can see some definite evidence of a consequentialist view of human rights. The focus on what can be accomplished along with the cultural relativity both point to concerns about consequences of your actions being the primary concern.

The employment of deontological rhetoric is by no means cynical or weakly done, it’s not just window dressing it is more complex. Of course having a more pragmatic eye about what can be accomplished with military force alone is not the same thing as denying a deontological foundation to rights; it may just be denying that such foundations do not demand any price in their enforcement. The interpretation of these comments must be tempered by other comments from the interview in which the subject made statements such as, “We realized early on what was going on in Kosovo, it was quite obvious what

the Serbs were doing, and that it needed to be stopped.” Further; “But we felt like getting involved, to try to stop this obvious, egregious human rights violations was the right thing to do.” And in regards to the UN’s ultimate summation of Operation Allied Force being “Illegal but legitimate”:

I think that it is a crying shame that the UN would take a successful operation and call it illegal. Although I guess in International Law the fact the UN didn’t bless it- but then again getting that approval would have probably meant that thousands of more would have died before we could have even intervened. So I think it’s- basically that’s bunk.

These statements can all be taken to show a commitment to deontological grounds as they speak to moral imperative in stopping an “obvious and egregious” violation of human rights. So with this subject at least I would say that to this point at least it is unclear that the understanding of human rights is based on one type of ground or another. Before resolving this though it is worth the time to consider a couple other examples from this group before turning to a possible interpretation that clarifies the matter.

The combination of deontological and consequentialist ideas in policymakers’ responses on the issue of torture further reveal the complexity of the position. The question can also be explored by once more looking at the current issue of US torture policies. During the 2005 congressional debate over the US’s policy on torture a group of retired military leaders wrote to Senator John McCain who was a major proponent of legislation on the matter. About the matter one of the leaders stated that, "This is a situation where what is good for our troops is also in line with our values as Americans" ([www.humanrightsfirst.org/us\\_law/etn/pdf/mccain-100305.pdf](http://www.humanrightsfirst.org/us_law/etn/pdf/mccain-100305.pdf) 10.23.2006). The letter

went on to say that; "Getting our interrogation policies back on track will preserve our standing *to fight for humane treatment of American soldiers who are captured* in future combat operations, and it will help put *our security efforts back on the moral high ground.*" ([http://www.humanrightsfirst.org/us\\_law/etn/mccain/index.asp](http://www.humanrightsfirst.org/us_law/etn/mccain/index.asp) 10.30.2006) furthermore they stated that:

We are Americans, and we hold ourselves to *humane standards of treatment of people no matter how evil or terrible they may be.* To do otherwise undermines our security, but it also undermines our greatness as a nation. We are not simply any other country. *We stand for something more in the world — a moral mission, one of freedom and democracy and human rights at home and abroad.* We are better than these terrorists, and we will win. The enemy we fight has no respect for human life or human rights. They don't deserve our sympathy. But this isn't about who they are. This is about who we are. *These are the values that distinguish us from our enemies.*

([http://www.humanrightsfirst.org/us\\_law/etn/mccain/index.asp](http://www.humanrightsfirst.org/us_law/etn/mccain/index.asp) 10.26.2006)

These statements by a group of former policy makers again present comments that could be interpreted to show a grounding of human rights in a variety of different ways. This is perhaps evidence of a muddled basis for human rights or of the need to incorporate a variety of grounds in order to come up with agreed upon language to a common message. In either case it shows that there is not a clear basis one way or the other.

Human Rights can also be deployed by policy makers in an instrumental fashion that suggests a consequentialist understanding, even as it espouses a deontological

phrasing of the idea. Separate from these former military leaders, the subject quoted in the beginning of this section sent a similar letter to Senator McCain. In it he stated:

I join my distinguished predecessors as Chairman of the Joint Chiefs of Staff, Generals Vesey and Powell, in expressing concern regarding the contemplated change. Such a move would, I believe, *hinder our efforts to win America's wars and protect American soldiers*...American soldiers are trained to Geneva standards and, in some cases, these standards constitute the only protections remaining after capture. Given our military's extraordinary presence around the world, Geneva protections are critical.

(<http://www.humanrightsfirst.info/pdf/06920-etn-shelton-ltr-mccain-ca3.pdf>  
10.3.2006)

This statement which shows an understanding of the Geneva Conventions based on an instrumental view of human rights, that the prohibition against torture is important not because of its grounds but because it helps ensure similar protections to American soldiers again suggests a consequentialist view of a fairly fundamental human right.

There are further examples of the combination of deontological and consequentialist grounds within the same statement of a policymaker. After passing the legislation on this issue Senator McCain issued a statement with his views on the issue.

We've sent a message to the world that the United States is not like the terrorists. We have no grief for them, but what *we are is a nation that upholds values and standards of behavior and treatment of all people, no matter how evil or bad they are,*" McCain said. "I think that *this will help us enormously in winning the war for the hearts and minds of*



*people throughout the world in the war on terror.*

(<http://www.cnn.com/2005/POLITICS/12/15/torture.bill/index.html> 10.15.2006)

This statement again shows, first statements indicating a deontological understanding of human rights, that they are important “no matter how evil or bad” a person is. And later a consequential one in which they are important “in winning the war for the hearts and minds of people throughout the world.” Of course all of the above example come from policymakers of a military background and we need to discuss a broader array of policymakers to really make the point.

Some policymakers statements are lacking direct invocation of any moral grounds for action at all on the torture issue, rather than muddling the two. McCain was also involved in discussions on this legislation with Vice President Cheney who advocated for amendments that exempted elements of the US intelligence establishment from a restriction against torture. Stating that “such operations are vital to the protection of the United States or its citizens from terrorist attack”

(<http://www.washingtonpost.com/wpdyn/content/article/2005/10/24/AR2005102402051.html> 12.8.2007) showing another seemingly consequentialist distinction by a policy-maker. The Bush Administration and Cheney in particular have regularly stressed this line, often within the context of Executive power of the President and always stressing security concerns. However we see a discussion held in this case largely in the context of a disagreement on consequences. Despite the disagreement though there is absent any invocation of what grounds they are basing their moral claims. As both stress security concerns they do not make it clear whether that is based deontologically on an obligation

to protect their fellow citizens or consequentially on doing what is better for a common good, though it would seem the latter.

The recent election of President Barack Obama allows us a chance to compare Bush and Cheney's stance on the torture issue with that of a successor ideologically removed from the thinking of their administration. It also allows a chance for further contrast with the view of the military thinkers cited above, Obama having never served in the military. Particularly President Obama's decision to classify numerous "torture memos" from the Bush Administration has brought the argument back into the public arena. While I don't think getting into the specifics of the argument on torture between the two administrations or the left and right wings of US politics is necessary for this study, it provides some interesting insights into the thinking of another policymaking group that once again reiterate the conflation of the basis for rights within the policymaker group.

Pointing to some of President Obama's remarks about his reasoning for ending American techniques that he believes are torture the President makes a case that sounds fairly deontological in nature. I quote him at length here as there are a few points to pick up on:

waterboarding *violates our ideals and our values*. I do believe that it is torture. I don't think that's just my opinion; that's the opinion of many who've examined the topic. And *that's why I put an end to these practices. I am absolutely convinced it was the right thing to do -- not because there might not have been information that was yielded by these various detainees who were subjected to this treatment*, but because we could have gotten this information in other ways, in ways that were *consistent with our values*, in

*ways that were consistent with who we are.*

([http://www.whitehouse.gov/the\\_press\\_office/News-Conference-by-the-President-4/29/2009/](http://www.whitehouse.gov/the_press_office/News-Conference-by-the-President-4/29/2009/) 4/30/09, emphasis added)

Here we can see several points which might suggest that President Obama is espousing a deontological grounds for rights. Specifically we can point to the fact that he notes, regardless of the information that could be extracted from prisoners using such techniques that they are not in line with “our values”. This seems to be a fairly strong deontological argument rejecting the “ticking time-bomb scenario.”

However when we contrast this with other statements made surrounding the issue by President Obama and others in his administration a picture emerges that is not so clearly cut on deontological points. In the same press conference that President Obama made this clear deontological point he went on to say that:

*At the same time, it takes away a critical recruitment tool that al Qaeda and other terrorist organizations have used to try to demonize the United States and justify the killing of civilians. And it makes us -- it puts us in a much stronger position to work with our allies in the kind of international coordinated intelligence activity that can shut down these networks.* ([http://www.whitehouse.gov/the\\_press\\_office/News-Conference-by-the-President-4/29/2009/](http://www.whitehouse.gov/the_press_office/News-Conference-by-the-President-4/29/2009/) 4/30/09)

Here we see an instrumental argument for why torture is wrong based on security considerations, it denies the enemy a tool of propaganda. It is distinct on the points from the argument put forth by the military leaders against torture above: we shouldn’t torture

them so that others can't torture us. However it shows a similar pattern of thought, that there are pragmatic grounds for not torturing, mainly that it gives your opponent the opportunity to cast themselves as occupying the moral high ground, particularly in light of the ideological and protracted nature of the conflict between western democracy and Muslim extremists this seems a valid point worth of consideration. While I would not argue the validity of that point I suggest here that it shows a varied understanding of ways on which to base a human rights argument. In fact President Obama as part of the same press conference even went on to address consequences directly, stating; "it doesn't answer the broader question: Are we safer as a consequence of having used these techniques?" ([http://www.whitehouse.gov/the\\_press\\_office/News-Conference-by-the-President-4/29/2009/](http://www.whitehouse.gov/the_press_office/News-Conference-by-the-President-4/29/2009/) 4/30/09) We cannot really ask for a more direct consequentialist argument than one that directly invokes consequence by name.

This instrumental, security argument is what is stressed by President Obama's Chief-of-Staff Rahm Emmanuel who when asked about the decision to end such techniques stated: "it's one of the key tools that Al Qaeda has used for recruitment... we have actually stopped them and then prevented them from using it as a rallying cry." (<http://blogs.abcnews.com/george/2009/04/obama-adminis-1.html> 4/19/09) So we can show that this is not merely limited to the President but is part of a broader message by his administration to defend the Presidents decision or to share his method for doing so at the least.

Here then we have the President and one of his closest advisors making consequentialist arguments, while at the same time the President in the space of a few minutes had made a very strong case for deontological grounds for rejecting torture as a

policy. I would also point to President Obama's decision to not actively pursue the prosecution of agents and officials who carried out these policies. While he is willing to make the strong gesture of releasing documents to share with the public what exactly was done in their name, he stops short of pushing for the prosecution of his predecessors despite outcries from within his own party. This evidences a similar concern for consequences, namely the political consequences of seeing to carry out a vendetta against an administration he already thoroughly beat politically. When asked about such prosecutions the President stated: "My view is also that nobody is above the law, and if there are clear instances of wrongdoing, that people should be prosecuted just like any ordinary citizen; but that generally speaking, I'm more interested in looking forward than I am in looking backwards."

([http://www.whitehouse.gov/the\\_press\\_office/PressConferencebythePresident/](http://www.whitehouse.gov/the_press_office/PressConferencebythePresident/) 2/9/09)

While he acknowledges he will not actively pursue prosecution he will not use his power to block it either. Particularly when we consider his notion that he's more interested in looking forward than back we can see that this is a strategic decision made based on a weighing of the potential costs of further dividing his country with the potential benefits.

This balance approach of offering up some fodder for those that seek for justice from the illegal activities of the previous administration this is here tempered by an understanding that the political consequence of pursuing such claims too far are potentially devastating to national unity. This can leave us questioning what exactly the ultimate concern is, seemingly the idea of unifying the country overrides other concerns. We have then the very definition of a consequentialist argument, but one that is made with invocations of deontological concerns.

Together these examples show that there is not only no clear consensus on the grounds of human rights within this group, but that there is a muddling of grounds even within the statements of some individuals within it. They also represent a cross section of actors within the policymaking sphere with actors from military, legislative, and executive backgrounds presented, as well as partisan differences and other ideological differences between these actors cited. While we can point to different outcomes or conclusions on the part of different US administrations on the question of torture, the reasoning behind even their contradictory conclusions evidences an understanding of the basis of rights that invokes both deontological and consequentialist grounds.

This helps to illustrate the internal complexity of the policymaking arena and gets us back to our consideration of whether domestic politics influence foreign policy decision making. On this specific example we see two different arguments against torture on consequentialist grounds: that it will lead others to torture our citizens, that it makes us less safe, a consequentialist grounded argument for torture: it is needed to extract vital intelligence information, and all three of these arguments include deontological invocations of national values and character and the sacred nature of democratic society and well as moral rejections of certain behavior. While overall the policy outcomes are diverse, we can see that on this specific point of what the basis of rights are that there is an inconsistency between and within individual actors within this group.

The fact that policymakers seem to not behave as predicted, that they do not emphasize solely consequentialist grounds presents some problems for how this project conceived their role as actors within international society. That policymakers seem to either use a variety of grounds for their claims, or perhaps avoid making claims on moral

grounds presents competing problems for the conception. First of all it presents a problem of questioning the premise that this group should be grouped together at all. The divergent claims suggest that a lower level of division is required to fully understand the moral claims of this group. However for the project at hand we can say that the overwhelming trend seems to be that policymakers make muddled claims on the grounds of rights.

One possible reason for this departure from the predicted framework is that domestic politics do play a greater role in foreign policy decision making than supposed at the outset. The breakdown within this group and rejection of the hypothesis might partially be explained by a changing role within domestic accountability. While human rights issues were supposed to be a concern of domestic elites most of the time, meaning that the wider public would largely ignore them, we can see that policymakers can often change their view of their importance based on changing events and public opinion.

Human rights tragedies or other events which gain public attention can be seen to cause many of the complications within this group as outlined above. We can again see reasons to view this cynically as policymakers using human rights language as window dressing, or alternately, as pointed out during General Shelton's reaction to a question about Al-Qaeda's actions prior to gaining public attention on September 11<sup>th</sup>, we can see that it might allow foreign policymakers to engage in issues that they had previously not had the political will behind action. This presents a dangerous example though, where we can see both reason for hope and fear, with the change in public will being a reason to both right long ignored problems or to make a power grab.

The implication of this does not clearly reject the evidence from the previous chapter of the validity of the analytical framework that these actors fall towards international society or that there is validity to the analytical division between international and world society. It does mean that on this question our assumptions will have to be reassessed, this may actually present a greater learning opportunity than had things worked out as expected. This being the most fundamental level of the analysis it will require a greater reassessment. Before doing that I would first like to explore the results of the analysis of NGO actors, which were closer to the predicted behavior but still presents problems for the framework. It will be more useful to reassess the two together.

### ***NGO Basis***

On the NGO side of the debate the grounding of rights seems to follow largely the same steps. NGO actors were predicted to ground their claims on deontological understandings of rights. Initially my prediction of the grounds which NGOs would cite for their views was that they would emphasize a deontological understanding of rights. This was based on a superficial analysis of their rhetoric in which seemingly deontological claims were common. An easy example is Amnesty's statement on the war on terror which begins with, "Terrorism is an assault on people's *fundamental human rights*." (<http://web.amnesty.org/library/Index/ENGACT400092006?open&of=ENG-2U3> 2.28.2007) This emphasis on rights being fundamental points to a deontological understanding. There is condemnation in similar deontological terms of practices justified



as combating terror, namely torture and detainment of terror-suspects as seen with the statement, "Torture does not stop terror. *Torture is terror*. The last five years have seen a backlash against human rights in the name of the "war on terror"

(<http://web.amnesty.org/library/Index/ENGACT400092006?open&of=ENG-2U3>

2.26.2007)

The invocation of the idea of inalienable rights would also seem to point to deontological understandings. It can also be seen in statements about the right to due process being an inalienable right, regardless of the subject, even or perhaps especially when they are, a former mass murderer:

The long-awaited trial of Saddam Hussein started in Iraq in October. Although the opportunity to obtain justice for some of the crimes committed under his regime was welcome, *AI had serious concerns about the lack of fair trial guarantees in the statute of the tribunal, denial of proper access to counsel and the provision of the death penalty.*

(<http://web.amnesty.org/report2006/index-eng> 2.24.2007)

This example begins to invoke not only deontological grounds but also legal grounds.

These examples show that Amnesty in particular is ready to invoke a variety of grounds for human rights. Now in the case of a legal grounds it then gets to the question of what their view in turn of the grounds of human rights law are, international consensus? Deontological? Consequential? Or some other grounds. My point is to merely ask the question at this juncture as I don't think we need to get into the argument about their view of legal grounds when a discussion of political and moral grounds can make the point.

In the following example we can see an invocation now not only of deontological or legal grounds but also consequentialist ones. In the first example we have the familiar use of legal basis for condemnation but we then see an instrumental, consequentialist argument made for why this is wrong:

These measures *not only violate human rights law. They are also counterproductive*. The July 2005 attacks underscored that Britain faces a homegrown terrorist threat. That is why preventing radicalization and recruitment has rightly become a central plank of the government's security strategy. But winking at torture in the Middle East and North Africa, and locking up suspects (almost of all them Muslim men) without charge have damaged Britain's image at home and abroad. The measures have also undermined confidence in the police and security services, jeopardizing the tip-offs and other cooperation that are crucial to successfully policing terrorism.

(<http://hrw.org/english/docs/2007/06/21/uk16229.htm> 2.24.2007)

This invocation of multiple grounds can be seen as similar to that of policymakers' statements about human rights.

The use of non-synonymous terms as if they were the same presents conceptual difficulties. With NGO actors there is another symptom of this muddled understanding of how rights are grounded, the invocation not just of human rights but also of similar but not necessarily the same or even complementary concepts being used interchangeably. Steve Hopgood diagnoses the issue as follows:

the language of rights- the language that says something is wrong because each individual has a personal moral claim against the rest of society- adds nothing if Amnesty

was to call itself the champion of human dignity, not human rights, would anything have to change? *Human Dignity* is one of the phrases used by Pierre Sane in his paper for the 1993 Boston ICM [International Council Meeting]. The same report also talks about obligations, human solidarity, injustice, and ‘existential needs’. These various ethical concepts are neither identical nor (necessarily) complementary in more philosophical terms, hence the need for faith in the absence of interests or identity. (Hopgood 2006: 158)

Here we see examples of just a few terms being used interchangeably that on a conceptual level should not be.

However this is not just limited to a few terms, in the following example we see the invocation of not just human rights but, “rule of law”, “human security”, “injustice”, and “human development” used without much discussion of what these different concepts mean, furthermore the invocation of rights involves every understanding of rights “economic, social and cultural” which also presents a certain amount of philosophical dissonance which is not addressed:

The year saw a growing understanding that *respect for the rule of law is essential for human security, and that undermining human rights principles in the “war on terror” is not a route to security*. Similarly, the failure to respect, protect and fulfill *economic, social and cultural rights was more and more widely seen as a grave injustice and a denial of human development*. Whether in response to the urgent needs of people caught up in natural disasters or the plight of individual victims of government repression, the activities of ordinary people often shamed governments into action.

(<http://web.amnesty.org/report2006/index-eng> 3.4.2007)

Combined these examples illustrate the lack of a coherent position on the part of NGO actors on the question of how rights are to be grounded. They employ a variety of grounds even in discussing the same case and similar issues. Furthermore they use Human Rights interchangeably with other terms that have different philosophical grounding, which is also largely overlooked.

The implication then is that if they are willingly employing invocations of all types of grounds to human rights then there are actually no grounds to human rights. If they cannot put forth a coherent position in which they argue compellingly why these rights are important, without employing contradictory reasons for it to be so it illustrates that it is a question of non-import for them. This then leads us to wonder why the grounding of rights is so unimportant to them.

The result that these actors turned out not to stress solely deontological rights means that my predictions from the framework were off. Though this was only based on superficial statements I thought that this being the most fundamental philosophical question of the levels of the divide that we are looking at that it would be the one most likely to hold true. Whether this casts doubt on the conception of a divide between these actors as being oriented one towards international and the other towards world society or what the problem was in the premises of my framework on this level is what I will now explore in the subsequent sections.

## ***A World without Grounds***

Where this leaves us then is without a clear answer to the question “On what grounds do human rights lie” from either group. Both groups have evidenced a greater emphasis on strategic concerns than on a coherent philosophical conception. It may not be that my prediction was wrong on this question but that when I discussed the formulation that ‘there are no grounds’ I did not go far enough when limiting that view solely to one side. It is also not necessarily the case that this shows that the philosophical complexity of the academic debate has not transferred over, but this may be another representation of the pragmatic trend within the philosophical literature to suggest “there are no grounds”. It may not be that this is just seen as an irrelevant question to the actors study but to the field of human rights as a whole, as Gearty suggests it may be that this is the only way for the idea of human rights to adapt to a postmodern challenge, “The subject is stuck with truth, and non-religious truth at that. Yet ‘truth’, and knowing ‘right’ from ‘wrong’, ‘moral obligation’ and so are notions that seem to come from another age, ... their very deployment seems to date the user.” (Gearty 2005: 20) It may be that there is not a deeper philosophical debate going on, or at least that both sets of actors answer this question with “whatever grounds work”.

Neither group seems willing to lead the debate, an example from a policymaker interview shows a use of selective action. The truth may lie closer to the superficial analysis that I set out to reject, that these are merely two groups lying at different points on the same spectrum. During one of my interviews when asking on what basis the decision to intervene or not in a human rights crisis is made, the subject stated:

I think that's some of what's happening in Bosnia, you don't hear a lot about Bosnia anymore and of course there some that say the Germans took 50 divisions into Bosnia during WWII and basically got driven out. But 50 years later we went in with about 40,000 and 10 years later we're down to next to nothing. So it can work. *You just gotta choose your battles carefully. Choose where you're going to make a difference because you can't do it every place in the world.* And if you really want to succeed you need to make it a UN-type operation, they have a variety of skills there...

I think the statement about choosing "where you're going to make a difference" is one that is echoed not just among policy makers but amongst activists as well.

Amnesty's organizing statements show a similar use of selective action. An Amnesty Strategy Paper from 2002 entitled "Making Choices on Economic, Social, and Cultural Rights" states that, "In the strategic decisions human rights organizations take, they should be guided as much as possible by the gravity of the abuses, and more specifically, by the gaps that exist in the protection offered against those abuses." (Hopgood 2006: 210) Hopgood suggests that the understanding of their underlying goal is, "The gravity of the abuse, discrimination, impact- all these reasons have an underlying metric that takes us to consequences, to the questions: Whose suffering is worst, and who needs us most?" (Hopgood 2006: 210)

The common ground on grounds suggests that the relationship between the two is not as adversarial as supposed in the outset. So not only in terms of both groups making largely strategic decisions rather than moral ones, it appears my intuitive understanding of them as opposing political forces for the most part does not go all the way to

understanding them. Rather than Machiavellian policy makers on one side, and radically deontological activists on the other, there is not seen by some within the NGO community to be an adversarial relationship as originally supposed.

Again I return to the idea that NGOs are more set in their views, here in another context. One Subject that worked for an NGO working directly with influencing the decisions of policymakers in Parliament, while stating that “NGOs tend to be more set in their views than Parliamentarians” described her role as more instructive than persuasive.

You have to let their knowledge or interests dictate to an extent what you say otherwise its just sticking you fingers in your ears and saying ‘I’m right, you’re wrong”. There’s a danger to just thinking you’ve got the answer, you’ve got the solution, their understanding is important and should influence you.

She went on to suggest that,

Changing minds isn’t always the answer; it’s just getting them to think about their decisions goes a long way. You can’t change core beliefs so the best you can do is get them to think about what those core beliefs mean on different issues and build on those beliefs.

This seems to suggest that there is a more cooperative atmosphere than the understanding of NGOs as Civil Society Actors providing a check on the State would suggest.

While this would seem to be the answer we are approaching on this aspect of the framework, what we come back to though is why it is only on this aspect. In the previous

chapter I showed how on the questions of moral agency and Order vs. Justice a deeper philosophical divide is evident between these two groups, while this divide seems to be non-existent on this question of the basis of rights. We have seen evidence of the shape of international and world society on the previous two levels of analysis, does the failure to meet our expectations undo that? I think this non-answer is almost more telling than the previous two, even though it is not what was predicted.

Despite the seeming irrelevance of the fundamental question of human rights, why are these things important anyway? The human rights regime as a whole has seen rapid growth since the middle of the last century and has become pervasive within almost all political discourse, not just at the international level, though that's where the focus here remains. As evidenced by the discussion here the human rights discussion seems not to be halted as much by deeper divides as predicted but by a strange paradox. That we essentially have the reintroduction of a 18<sup>th</sup> century philosophical project to help solve late 20<sup>th</sup>/21<sup>st</sup> century problems, despite the fact that philosophy as a whole, much less activism, seems to have moved far past the questions this project initially set out to answer. As Gearty puts it, "Human rights feeds what has been well described as the 'genuine hunger in people, a post-material quest for anchors of meaning' that is evident in this global age, a support moreover that promised to be more effective than the past anchors of religion and reason." (Gearty 2005: 28)

The emergence of discourse philosophy has largely relegated foundationalist questions off of the area of consideration. Gearty goes on to suggest that in a world where the question of rights' grounds seems to have been largely filed under "X" that human rights are not the enlightenment project they began as but more a shared terminology for



ethical discussion, “increasingly they are exercises in persuasion rather than revelation: ‘you have got to believe this’ rather than ‘here are my findings.’” (Gearty 2005: 34-35) This is the idea of human rights as discourse; the point is not to prove a point the point is to persuade the other side.

With no other recourse activists and policy makers alike are more interested in discussing building a consensus than doing any heavy philosophical lifting. Rather than representing a new development the recent focus on rights is just old debates using different terms. Gearty points to the work of Sen as an example of what may be going on here, “Sen’s theory is a foundationalist ethic disguised in contemporary jargon, an old-fashioned moral view of the world dressed in the new-fangled fashion that everybody is wearing these days.” (Gearty 2005: 39)

The emphasis on a philosophy of rights as debate shapers presents its own set of problems as well though. The question of foundations has not been resolved. It has either been disguised as Gearty suggests or it has been bypassed as can be seen in some of the actors which seem to take the best bits of all grounds without much attention paid to the implications of doing so. There is a problem in this though, that Finlayson points to;

In politics one cannot simply choose the ‘best’ idea, or the one that is most coherent or congruent with our own traditions. One has to deal... with contingency and uncertainty on at least two further levels: the uncertainty of the world, the need to act despite a lack of full and final information; and that caused by the (possibly competitive) presence of others who think in different ways, and perhaps think in different traditions. (Finlayson 2007: 549)

In their haste to overcome the learn-to-swim dilemma both sides end up with philosophical contradictions that undermine their ultimate goal.

Where we do see the divide it may not represent different understandings of rights and thereby their basis, but different understandings of the “problems” to be addressed. If the answer by everyone is seen to be whatever grounds work, then the question is not what are the grounds but, work towards what? It is then what actors see as the problems facing international relations, broadly understood, that is perhaps pointing us towards a deeper philosophical divide. Finlayson suggests it may be that not all parties perceive a ‘dilemma’ in the same way (or even perceive it at all), even that the nature and status of the parties is not agreed upon. (Finlayson 2007: 549)

The question of ends again leads us to consider on who’s behalf these actors see themselves as acting. Either way actors are acting towards moral (though conflicting) ends, how is it that they decide upon those ends? The fact that both sets of actors persuade evidences the lack of an existing consensus, yet it is consensus upon which they wish to ground their work. Chandler suggests that:

The fiction of global civil society as an ethical alternative approach to the problems of the political, has its roots in the politics of the left... While their own groups may have been marginal to domestic politics adherents took heart in messages of ‘solidarity’ or success from other parts of the world. (Chandler 2004: 330)

This then suggests that NGOs rather than being the extension of the Global Disenfranchised, is just a reformulation of old western divides.

The problem with the question of basis of rights is that actors have fundamentally different conceptions of Human Rights that are deeper than simply what are they grounded in. It is not a disagreement over grounds; it is a disagreement over the definition. If you think rights are inalienable then someone who is saying they are alienable in certain situations is not talking about rights so much as something else, something that is nice to have but not necessary. Rights can not be Sunday clothes though, they can not be put on in times of rest and peace and when we seek weekly forgiveness. They are like our underwear, our most basic covering of our shames and with us whenever we go out, and no one wants to go out dancing in their underwear in this particular field.

If we understand human rights claims then as competing discourses we have to question what is the goal of actors in their discourse? Are they attempting to get to the 'inside;' to the group that determines meanings of words (attempting to do so on behalf of all those left outside)? Are they attempting to change the subject? Or are they trying simply to talk about what no one else is talking about? This is one of the reasons we see for the level of collaboration between these two sectors Holzscheiter suggests, NGOs "collaboration within intergovernmental structures makes it necessary to connect to the symbolic capital, the linguistic rules and the social practices of these environments in order to be able to share the outcomes of international meaning- and decision-making." (2005: 737-738)

NGOs are attempting to persuade by employing all of these techniques, getting to the inside group that decides on meaning, changing the subject, or simply trying to make new subjects for discussion. However this may then be why we see a level of incoherence

internally, all these strategies for getting what you want out of the discourse are not necessarily complimentary. Everyone is talking all at once, meanwhile the cacophony drowns out what is being said.

Without grounds there is a reduction of rights to nothing more than claims in a debate, premises in an argument. While in and of itself not a problem this leads to the further problem of contradictions within those premises when different grounds are employed towards the same goals. Something we see on both sides of the present divide.

Accepting the problems of groundless formulations of human rights it is worth a brief discussion of some current attempts to ground human rights in a consistent manner. First I look at the most substantial part of the current human rights regime, human rights law. I explore this by once again turning to the question throughout the chapter of torture and some legal solutions to the moral controversy it causes. The other possibility I will look at is the idea of grounding them on cultural minimums as proposed by Shue. These two forms of human rights offer a potential way of grounding rights that seem either overlooked, underutilized, or badly employed in the overall debate.

The ticking time bomb presents a problem to human rights however we ground them. One legalist solution to the problem of the ticking time bomb is the use of torture warrants. The first is represented here by Alan Dershowitz a US constitutional lawyer who discusses the problem in the context of what is permitted despite the guaranteed rights of the US Constitution. He suggests that:

Under my proposal, no torture would be permitted without a "torture warrant" being issued by a judge. An application for a torture warrant would have to be based on the absolute need to obtain immediate information in order to save lives coupled with

probable cause that the suspect had such information and is unwilling to reveal it.

([http://www.sfgate.com/cgi-](http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/22/ED5329.DTL)

[bin/article.cgi?file=/chronicle/archive/2002/01/22/ED5329.DTL](http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/22/ED5329.DTL) 6.7.2007)

Rather than simply condemning the possibility of torture Dershowitz suggests that in such extraordinary cases law enforcement officials should be able to go argue their case before a judge and receive legal authorization to use torture. He argues that doing so regulates tortures as it is no longer conducted outside the law, often supported by a culture of silence among those authorities who might perpetrate it. And at the same time increases the visibility of torture to make sure that it does not have an incremental creep into usage in other contexts other than where it is “based on the absolute need to obtain immediate information in order to save lives coupled with probable cause that the suspect had such information and is unwilling to reveal it.” (ibid)

Critics suggest that allowing for a step towards legalism will start a landslide. Contrary to this Mark Bowden argues that while it may be conceded that torture is necessary in some cases it should not be legalized in such a context. He suggests that, “This is the crux of the problem. It may be clear that coercion is sometimes the right choice, but how does one allow it yet still control it?” (Bowden 2003: 107) He goes on to ask, “How can we ensure that the practice does not become commonplace-not just a tool for extracting vital life-saving information in rare cases but a routine tool of oppression?” (Bowden 2003: 108) Again he also points to the potential problem of incremental creep. He concludes that, “As long as it remains illegal to torture, the interrogator who employs coercion must accept the risk. He must be prepared to stand up in court, if necessary, and defend his actions.” (Bowden 2003: 110) He suggests that under this framework we are

allowing that it may occur in exceptional cases but at the same time we are avoiding any official endorsement of the practice which might lead to its unjustified use.

These examples present one possible way of addressing ungrounded rights. In exploring these two cases I seek not to endorse or condemn the idea of torture even in extreme situations but to point out that these present alternatives to a central dilemma of the above debate between policy-makers and non-governmental actors that present a potentially consistent understanding of how human rights are to be grounded.

Shue suggests that legalism is not a foolproof method for grounding rights. Essentially then the basis that underlies the law is merely those enumerated by the law, which gives a very limited context in which rights may be advocated. As Shue suggests, “A proclamation of a right is not the fulfillment of a right, any more than an airplane schedule is a flight.” (Shue 1980: 15) As such a law saying one has a right in no more grounds morally than an argument as to why one has such a right. Instead Shue suggests that rights are better understood as, “everyone’s minimum reasonable demands upon the rest of humanity.” (Shue 1980: 19)

This basic rights approach suggests that if we look at all human societies we can find common underlying values that give us a framework for these minimum reasonable demands (Shue 1980: 19). His approach features the inclusion of subsistence into a framework with human security and western political rights to form the core of these basic rights, a departure from the focus solely on political rights in the west, arguing that, “the real question is whether modern nations can be as humane as, in *this* regard, many traditional villages are.” (Shue 1980: 28-29) The argument can then be made that if rights are to be the consensus reached through argumentation, that they are to be constructed in

this manner they must include moral minimums already existing in the world that are traditionally left out of the human rights debate.

Attempts to address subsistence needs over political rights have been a root cause of many violent downfalls in modern times. Arendt argues that attempts to meet economic rights over political ones often leads to revolution and to terror, “It was necessity, the urgent needs of the people, that unleashed the terror and sent the Revolution to its doom.” (Arendt 1990: 60) She goes on to suggest that, “it is terror which sends revolutions to their doom, it can hardly be denied that to avoid this fatal mistake is almost impossible when a revolutions breaks out under conditions of mass poverty. (Arendt 1990: 112)

However if we are to accept a deliberative approach to grounding rights, as most actors seem to do, Shue’s idea of basic rights presents an attempt to look for an existing consensus from all cultures. Furthermore his inclusion of subsistence is not to the exclusion of the other rights, as he argues, they are all equally important, undermining any one basic right is to undermine them all. So if a way can be found to achieve such a balance it presents the beginnings of the grounds that are sought.

Instead what we are perhaps seeing from the two sets of actors, rather than a disagreement about what grounds rights are to rest upon, are opposing reactions to the same answer to that question. Both sides seem to agree that there are no grounds other than those we construct, but there are two reactions one can have to such a skeptical acknowledgement. On the one hand we could see pragmatism on the other we could see nihilism. That is to say one could see grounds for rights only being constructs as a liberating revelation that means we can shape them towards greater ends. On the other

hand we could see such a revelation to mean that they don't matter, they are nonsensical and not worth the time. This could perhaps represent the axis upon which this question should have been explored and could perhaps provide the departure for further investigation. If we think that most actors are acting on a constructivist understanding though the divide then is what ends they wish to build rights towards, instead what Shue offers is a general consensus between a broader array of positions.

What would exploring the question on a pragmatist vs nihilist divide mean for international and world society? This potentially gives us one way that we might reformulate the divide on this question. What I believe will be the more useful exercise to use the work that has been done is to seek to understand what went wrong in the formulation of this question.

### ***The grounds that divide?***

What this means for this project then is while two of the questions have been answered in the affirmative, the third has not. So we have had some evidence that has illuminated some of the underlying interaction between international and world society and shown us that there is some validity to the conceptions and also that their borders are fluid at best.

The fact that actors stick to positions of grounds of convenience rather than working towards a true consensus, potentially like Shue's position, points us in the direction of some further questions which might help us understand what went wrong in the formulation of the framework. There is clear evidence that both groups rather than



just one of them is disposed to a grounding of rights on a discourse basis. This means that we need to understand some other aspect of the structure between these groups to have a full picture of what their interaction is telling us and what it is leading to the impasse and the creation of a patterned phenomena.

In the next chapter I will explore some of these questions, exploring some structural questions about Global Civil Society actors and their contradictions, which ultimately lead to the question of whether they actually represent a civil society or just a pluralist society. I will use a reengagement with the sociological analysis of this subject to demonstrate how the tools of the English School could be employed to add greater clarity to these concepts. What this chapter in particular has demonstrated is that there is an intractability between or even within the two sides, and little progress towards consensus. The internal contradictions in the ‘grounds of convenience’ arguments made on both sides point to a deliberative style of grounding, however if this is the case, the deliberation seems to be driving us further from consensus than towards it. In the next chapter I will explore the implications of this more deeply.

The fatal flaw of the framework seems to be undertheorization of the concept of world society and the implicit acceptance I made of one particular conception of civil society that did not take into account the three different conceptions of world society evident in English School thinking, even if one particular conception seems to outweigh the others. The useful exercise then may be to engage with current literature on the subject of civil society and global civil society, given only a supporting role up to this point in this work. I think that civil society thinking underlying the English school concept of world society and that global civil society in many ways parallels it so these

present logical points of departure to fill in what has gone wrong. It would seem that in constructing my project in terms of the English School I must once again turn to the frequent recourse of thinkers in the school of looking to other fields and relying on them to fill in the blanks. Buzan and Little suggest this is problem (Buzan and Little 2001: 22) as I suggested before however I hope to conduct this reassessment in such a way to provide some potential benefit to the work I seek to bring into the fold. I again move forward with this potential difficulty in mind but think that this provides an even greater opportunity to engage sociological literature, in this case on civil society and global civil, which I think will add to both the English School roots underlying the problem and also reassess some of the literature of another field.

Going into a deeper engagement with the literature on this one set of actors seems like the most logical course as they are the part of the English School theory that is most in need of overall development and in conducting my research it has become evident that they are the one group of this divide that seems to act the most out of character with the predictions made when setting up the framework. By looking at them more intently I hope that this will further the overall investigation of understanding the underlying interaction between these world society actors and international society by adding greater analytical clarity to this most obscured part of the project.

# Chapter 4: The Ugly: Unpredicted

## Findings

This chapter covers the unpredicted findings of my research, questions which arose through the research which can at least partially be answered by it. The fact that one level of my predicted framework turned out to be inaccurate poses a problem particularly in light of the fact that two levels of the framework were accurate. In the previous chapter I assessed those finding and suggested that the question of the basis for rights turned out to elicit a discursive understanding from both groups that I have been analyzing. I suggested that this question could be reformulated on the divide between pragmatism and rejection of rights, however I think the more useful exercise for understanding the underlying interaction between international and world society may be to reassess the premises of the framework in light of the finding and to engage those finding with literature on related subjects of similar methodology outside of the English School in an effort to elucidate both this project and provide for even greater multidisciplinary engagement to address the challenge set forth by Buzan and Little for the field (Buzan and Little 2001: 22).

I seek here to take the tools provided by English School theory and employ them into a deeper understanding of what it was that was underdeveloped in my initial assessment of the world society concept within this research project. While from the outset I have been aware that this is the least developed part of English School theory,

indeed this was part of the attraction to this particular project, it is clear that a lot can be added not just through the empirical work but by also expanding the contextual basis for some of the problems encountered within the framework.

Getting to this reassessment I start a discussion of my understanding of NGOs as a part of world society and what an engagement with the concepts of the related idea of global civil society can do to flesh out that concept. I move through assessing the competing conception of global civil society, as they spring up from competing conceptions from the general ideas about civil society on the domestic level. I suggest that there are threads that see them as Anti-State and Non-State and then seek to relate these threads back to the concept of world society and how they parallel the distinction in world society actors already present in English School theory but seemingly lacking in other areas of literature.

Having set out this reassessment of the framework I then seek to engage with the findings from my research and what that can tell us about these competing conceptions of global civil society and whether they bear out from the findings of my study. I do this by analyzing their structure, their governance, and finally, having established in the previous chapter their grounding of human rights in discourse theory, how the discourse they engage in reflects on the concept of world society. I depart here from the explicit discussion of the human rights questions that formed the initial framework but seek to maintain focus upon the underlying question that the previous analysis sought to engage, that of the interaction of world and international society.

I will then turn to look at how this new assessment of non-governmental actors and the structural differences discovered within that group compared to the predictions

feed into the also more complex than predicted structural divide with policymakers. It was predicted that non-governmental actors would behave in a role similar to the “loyal opposition” on domestic issues, as a check on state actors. The research has demonstrated not only is the non-governmental side of the divide more complicated than that, and doesn’t behave in the simplistic fashion predicted but that the policy-maker side is more complicated as well. Non-governmental actors are diverse and differentiated in ways not foreseen and the same can be said of policy-makers. In particular the influence that domestic politics has on decision making on foreign policy, particularly in the area of human rights, was not mitigated by a different level of elite non-governmental actors taking on a role as check against the state. So the implications of this finding will also be assessed and compared.

### ***NGOs as Civil Society?***

What does the concept of world society owe to the concept of civil society? Inherent to the construction of my framework and the early research I conducted was an understanding of NGOs as being part of global civil society, in a Hegelian sense, as something that provides a check upon states. This is a not uncommon tack to take on NGOs particularly in the English School Tradition. However as it proceeded I became increasingly critical of NGOs for not fulfilling this purpose until I came to the conclusion that just because they are typecast as fulfilling this role does not mean that is necessarily what role they do or want to perform. At the root of this frustration with NGOs and similar criticism I realized that part of the difficulty is competing definitions of Global

Civil Society that perhaps need to be better differentiated. Along with this I found it useful to separate Global Civil Society from the broader pillar of World Society. This trouble stems partially from the “Cinderella-concept” nature of world society, serving as a dumping ground for all the bits that don’t fit elsewhere. (Buzan 2004: 30-45) This dumping ground approach has gotten us to the point where “...when it comes to investigations of nonmaterial power resources and the social situations in which they are of particular value in international relations, it is especially the influence of NGOs that makes us acutely aware of the inadequacy of existing analytical frameworks.”

(Holzscheiter 2005: 726)

I begin to help repair these frameworks first by exploring competing notions of Global Civil Society and their roots. Then I’ll move on into discussing the distinctions that I think will make for a clearer understanding of NGOs and their function in international relations. These are as an Anti-State actor which actively opposes the state, a Non-State actor one that is not actively opposed and may even be complementary to the state. These two distinctions I propose within sphere of normative theory with which I am also interested. That is to say I differentiate these from the divide between descriptive and normative theory, which is a distinction that is useful to an extent but is either made too broadly or ignored altogether. Having made this distinction I will analyze which role NGOs seem to actually take on.

This reassessment of the non-governmental actors will also have an impact on how I theorize the policy-making sphere. If non-governmental actors were thought to be the check on that group and we have shown that they actually have a more complicated relationship, then this also changes the thinking about policymakers. Rather than viewing

non-governmental actors as an idealistic nuisance or an opposing view they are often viewed as providing helpful expertise or monitoring capability. This means I will also need to reexamine the policymaking sphere to show the implications on those actors.

### **What do we mean by GCS?**

In contemporary usage global civil society refers to a variety of actors. Using the actors to define the concept presents problems however. Mary Kaldor provides the simple understanding that, “In contemporary usage, the term tends to refer to social movements, associations, NGOs or the non-profit sector.” (Kaldor 2003: 21) This is straightforward enough; Global Civil Society is what we call NGOs and free associations, so they fit in that box. While this is useful from a descriptive perspective, it is fairly meaningless on normative terms. There is then a cart-first type of danger of using this type of definition on grounds other than descriptive. Saying that NGOs belong in this group because this group includes NGOs doesn’t tell us a lot about what exactly it is they do that makes us lump them together. For the questions we’re interested in here it is as useful as defining it as “I know it when I see it”.

Definitions that focus on characteristics go some way further in providing a qualitative definition of the concept of global civil society. Another possible understanding that she cites for Civil Society, that of Habermas, goes a bit farther in saying precisely what Civil Society is and is not, but still tends toward cart-first type of descriptions:

What is meant by ‘civil society’ today, in contrast to its usage in the Marxist tradition, no longer includes the economy as constituted by private law and steered through markets in labour, capital and commodities. Rather, its institutional core comprises those non-governmental and non-economic connections and voluntary associations that anchor the communication structures of the public sphere in the society component of the life world. Civil society is composed of those more or less spontaneously emergent associations, organizations, and movements that, attuned to how societal problems resonate in private life spheres, distil and transmit such reactions to the public sphere. The core of civil society comprises a network of associations that institutionalizes problem-solving discourses of general interest inside the framework of organised public spheres. The ‘discursive designs’ have an egalitarian, open form of organization that mirrors essential features of the kind of communication around which they crystallize and to which they lend continuity and permanence. (Habermas as cited by Kaldor 2003: 21)

While this begins with a descriptive definition it ends with some functional characteristics. However, my point is not to say that these definitions are incorrect, indeed they can’t be as they are operationally correct, it is to say that such definitions aren’t very useful if we are interested in how these organizations function and what role they play in international relations, which are probably not the question these answers are meant for.

The danger of using descriptive definitions as operational definitions can be analytical incoherence. If these descriptive definitions are accepted uncritically and conflated with other definitions of Global Civil Society then it can create some problems. It has come to a head after the cold war as:



The ending of the Cold War thus strengthened both the descriptive and the normative aspects of what was now referred to as 'global civil society'... It captures the general understanding that non-state actors, entities, and structures of all sorts were a more influential part of international relations than they had been during the Cold War. (Buzan 2004: 81)

At this point though I think it is useful to leave the descriptive aspects and focus solely on the normative ones.

In terms of normative theory there is a further distinction that Kaldor makes that provides more useful definitions of Global Civil Society. The first is the anti-state understanding which comes from a Hegelian tradition of civil society, in which, "Civil society provides a legitimizing platform for discordant and radical demands." (Kaldor 2003: 137) This is what Buzan refers to as, "The narrower, more political understanding is rooted in the Gramscian understanding of civil society as a social force between state and market, and attempting to call their power to account" (Buzan 2004: 82)

Another definition presents civil society not as a check but a complement to the state. The competing version is what Kaldor terms the Neoliberal one in which,

...civil society is considered more passively, less as a check on the state and on capitalism and more as a complement to or even substitute for the state and the market, a way of smoothing the path of market reform and implementing state programmes... Civil society, according to this line of thought, is the realm between the state, the market, and the family, but it is a realm of stability rather than struggle, of service provision rather than advocacy, of trust and responsibility rather than emancipation. (Kaldor 2003: 22)

Buzan suggests that this is not merely a divide between the descriptive and the normative claims on civil society but that:

The civil society tradition reflects not only an analytical distinction between state and non-state modes of social organization, but a deep and longstanding ideological battle between conservative and liberal understandings of the human condition, and views about how best to achieve the good life. (Buzan 2004: 79)

These competing normative claims represent a similar divide to the ones previously explored in this work, representing an archeology of the family trees that exist underneath the superficial debate.

The conflation of the two competing normative definitions of global civil society presents another challenge. This is similar to the problem that Chandler sees in understandings of Global Civil Society in which:

To date, critiques of global civil society theorizing have largely focused on the problems of conflating normative desires with empirical claims for the existence or influence of global civil society, or have worried that radical 'bottom-up' approaches will be subsumed beneath attempts to restore state-based forms of global governance. (Chandler 2004: 315)

The competition between these two normative claims creates a tension within the framework of possible global governance.

There is little critical examination of the bottom-up claims of advocates of that normative definition of civil society. Chandler goes on to suggest that:

There has been little critical analysis of the emergence of radical ‘bottom-up’ approaches and markedly little examination either of their claims for extending the ideas and concerns of political community beyond the state, or of the limitations of their demand for a new type of political activism which prioritises the ethical individual over political collectivity. (Chandler 2004: 315)

While much analysis seems to focus on or ascribe these competing conceptions to a divide between normative and descriptive theory, there is a further divide just on the normative side that seems to be largely passed over. Because this distinction doesn’t seem to come up (or perhaps more specific to the question explored here, is unnoticed by the actors which participate within this group) there is a conflation of the goals of Global Civil Society actors. This then leads to criticism from all sides, that they are fringe groups, and that they are too conservative, where the critics are both right because their definitions of what the groups are supposed to do are different.

The lack of democratic institutions within NGOs and the limited requirements for transparency by them leads to several questions. It is suggested that part of what complicates our understanding of civil society’s role on the world level is the lack of a world government:

On the global level, of course, it is even less clear what the influence of transnational civil society is on policy-making – not least because global civil society has no equivalent to the domestic state to represent itself to. To the extent that there is an emerging *de facto* global state, this, as we have seen, is arguably the Western state writ large – with all the problems that this poses for the

representativeness of the transnational civil society organisations that can hope to influence it... (Baker 2002: 934)

The problems we see with the emerging Global Governance are compounded in GCS, particularly considering that the two are often taken as part and parcel of the same trends. Beneath this confusion though it is worth looking at the two underlying (and in many ways competing) conceptions of the normative role of GCS in turn.

### **GCS as Anti-State**

The Hegelian tradition produces one segment of global civil society actors. As a whole those suggesting that Global Civil Society is characterized in a Hegelian tradition of Civil Society as Anti-State they trace the modern NGOs to two main sources. Prior to the collapse of the Soviet Union in the west the groups formed largely:

For those concerned at the apparent decline in respect for human rights abroad, and disheartened by the failure of the domestic political parties to confront such issues at a time of rising prosperity and consumerism, Amnesty was attractive precisely because it seemed so distinct from traditional politics. (Buchanan 2002: 595)

Similarly in Eastern Europe which is the connection more commonly made to Global Civil Society as anti-state, the term traces back to social movements which sought to disturb the political status quo, perhaps more radical because they were operating in a much more repressive system. “[T]he groups of the 1980’s assumed the existence of an

overbearing state and an inter-governmental state framework. Thus the term civil society was more or less synonymous with anti-politics; the emphasis was on the separateness of civil society from the state.” (Kaldor 1999: 202)

The history of social movements is the history that most global civil society actors claim, regardless of whether this is the true history of all the organizations they invoke. This tends to be the tradition that many theorists on Global Civil Society like to invoke as the roots of modern groups and movements. However the anti-politics and individuated dissidence advocated by these movements seems to lose its coherence when large, political groups with complex bureaucracies attempt to claim this heritage (Chandler 2004: 317). The logic of most NGOs and Global Civil Society in general is based more on information and engagement rather than obstruction and dissidence. “The dissident movement was one of political refusal rather than political participation.” (Chandler 2004: 317) Characterizing modern, at times monolithic NGOs as part of this tradition seems to fundamentally miss the point to some. “Ricard Blaug, for example, argues that engaging with the formal political framework of states only increases the legitimacy of political hierarchies by channeling ‘the utopian energies of the lifeworld’ into legalistic arguments about rights on terms set by the state.” (Chandler 2004: 320) The motivation of an anti-state actor is not mass education and awareness and more on an individual philosophy of not ‘being part of the problem.’

Often participation in civic organizations is more about the personal choice of the person getting involved and the type of life they want to live than about a true goal of affecting a real political change. It is again the politics of rejection. Chandler suggests that:

It would appear that the motivation of the global civic activists acting as human shields and witnesses in Iraq and the West Bank has less to do with the politics of the conflicts and more to do with their own personal need to make a moral statement...A similar individual mission has driven young British Muslims to volunteer as suicide bombers in conflicts abroad. (Chandler 2004: 337-338)

Taken to the extreme it is suggested that lumping the anti-political social movements of the old Soviet block, with the highly political Western groups engaged in a mass media discourse is a fiction invented by normative advocates seeking to root their movement with other causes' martyrs:

The celebration of global civil society 'from the bottom up' would appear to be based less on any emergence of new political forces at the global level than the desire of Western activists and commentators to justify their avoidance of accountability to any collective source of political community or elected authority. (Chandler 2004: 338-339)

While this may be taking it a bit far it does point to the critical difference between the two different conceptions of 'Civil Society' it illustrates the danger in using them as one and the same.

A differentiation in the lump-sum concept of global civil society is needed. This then leads to a consideration of whether NGO's can fit into this conception of global civil society as Anti-State or whether the logic of organizing a large group that wishes to engage in a political discourse necessitates a different conception altogether. Can a group

form which is truly anti-state on this level, when as is suggested: “Following Boli and Thomas, what is particularly needed are theoretical concepts that specify the contexts in which NGOs are in a position to become forceful actors vis-à-vis states and other materially powerful global actors such as TNCs.” (Holzscheiter 2005: 739)

To a large extent the account of GCS as anti-state social movements seems to take as implicit Habermas’s argument that Civil Society serves as a check to distortion in political communication. However as Hendricks points out:

Habermas’s account is also vague on how exactly specific actors in civil society, such as social movements, prevent communication distortions. In practice, social movements, like other interest groups, seek to distort or reframe an issue in order to ‘sell’ their message to the public. How is the communication from social movements any less susceptible to distortion than the agendas pushed by powerful interest groups and commercial organisations? (Hendricks 2006: 495)

Yet it is seemingly this account that is the premise of the understanding of GCS as anti-state social movements. If there are such fundamental problems with this conception that are largely unanswered beyond defining GCS as the ‘nice’ elements of world society it is worth turning to the other conception of GCS.

If we were to formulate a concept of world society based solely upon this underlying conception of global civil society and the normative role it is meant to play we would be sorely disappointed in some ways. Indeed I have argued that this is the conception which underlies the conception in English School literature of expectations about world society actors and accounts for why there is both criticism and has been

limited interest in further exploration of this pillar of the school's theory. I think that this deficiency in the current theory suggests that we should turn to a more robust account of world society which takes into account other conceptions of the role for global civil society. To that end I turn next to considering this other formulation.

### **GCS as Non-State**

In contrast we have a conception of Global Civil Society as not necessarily Anti-State, but simply as non-state. This is meant not just as a descriptive quality but as a normative one in which hostility towards the state is seen at one extreme as counter productive and at the least to be unnecessary. It is suggested that, "Claims about an emerging global civil society ... usually reveal the reproductive powers of statist discourse more than they do the capacity of social movements to challenge that discourse." (Walker 1994: 674) In this conception, actors in global civil society can be seen not as anti-political checks on the state, but even as useful tools of them. "Rather than being seen as a threat to the powers that be, the 'new' social movements are more often than not seen by the international establishment as making a positive contribution." (Chandler 2004: 333)

NGOs often serve as auxiliaries to states and their interests. In some instances it is suggested that NGOs, functioning almost as auxiliaries to states, can provide information and services that for various reasons states cannot in the international sphere. For instance as monitor of human rights abuses that are in hegemonic powers' interest to uphold.



...along with causing states to reconsider their interests, NGOs can also serve the interests of some states. We argue that the NGO is also a new veiled form of hegemonic power, one that provides a monitoring function which can fulfill the needs of hegemons. Through NGO activities the abuse of human rights can be monitored, recorded, and publicized. (Steele and Amoureux 2006: 408)

The comparison is made to Bentham's Panopticon, with NGOs as Western Power's absent/ever-present-watchman helping to enforce their norms.

...hegemons have found human rights NGOs useful because the latter perform surveillance functions, compelling those who would perpetrate genocide to 'not do what they otherwise would do'. Thus, in such instances the human rights panopticon functions as a lighter, cheaper and more rapid form of power exercised by hegemons. (Steele and Amoureux 2006: 411)

The idea of NGOs as part of a western state's panopticon for rights abusers presents a direct challenge to the idea that they need to be anti-state.

NGOs can instead be seen as mediators for the state and other parties. This is in direct contrast to Global Civil Society as Anti-State, but as a mediating influence that allow for concerns of sovereignty to be balanced with those of justice.

Our use of Panopticism to illuminate the work of NGOs may alleviate the concerns of both the pluralist and the solidarist because NGO surveillance neither explicitly compromises the sovereign rights of member states nor tolerates human rights abuses. Thus, while hegemons (especially) still interpret in narrow terms the world 'order'

necessary for realizing their ‘primary and elementary goals’, a Panoptic-like system of human rights is a more legitimate means to such order even with the logic of that interpretation *because* it appears as an independent and autonomous form of agency (Steele and Amoureux 2006: 418)

Taken further this conception of Global Civil Society hopes the ultimate outcome is the true goal of a panopticon: self-enforcement of norms,

“If we agree that it is possible to eliminate the barriers that existed, for instance, in Rwanda, then it is not impossible to envision scenarios where NGOs do the work of the international community because their surveillance may lead to situations of ‘self-policing’ and a subjectivity that features respect for Western-defined human rights. This greatly eliminates the costs which realists and others cite in opposing ‘humanitarian’ policies. The result would be a global system of human rights that stops genocide before it even starts.” (Steele and Amoureux 2006: 430)

This is “...the familiar notion of human rights as cultural imperialism...” (Vincent 1986: 102) presented not as a criticism of but as an underlying logic of global civil society.

If we were to formulate a concept of world society based on the normative claims of their role being to act as part of a global panopticon we would arrive at a vastly different concept from what we have. Rather than being a check upon the state world society would be seen as an agent of international society actors and it would call into question whether it had merit as a separate analytical category. This is but one alternative formulation of the concept that could be added to provide greater clarity to the concept of

world society in the English School theory. However increasing the internal clarity of this pillar is just beginning.

Using non-governmental actors for governance presents another set of problems. There is a danger though in bringing Non-Government entities into the realm of governance in an attempt to shore up the failings of a state-centered system. This is not just in terms of a criticism from those who would charge them with being ‘collaborators’ but the very real concern of what happens when these groups with questionable lines of accountability are considered part of governance:

Here we come full circle: National states (and intergovernmental organisations) are unable to cope with rising transnational problems. TCBs [Transnational Communitarian Bodies] are supposed to carry some of the load when states cannot. However, these TCBs often turn to the states to help them carry out their missions. There are limits to how much one can flog an old horse. I am not suggesting that directing governments to apply their resources better—or stopping their ill doings—is of little import. However, one must doubt whether this can be a major way to generate much new governing capacity. (Etzioni 2004: 350)

If states come to see these types of groups as filling in the void on transnational problem, as a private sector extension of their global bureaucracy, is that really an effective substitute for transnational governmental action?

A non-state view of NGOs might also have them operate as discursive entrepreneurs or information peddlers. These are examples presented largely as a theoretical case and as one extreme of this position the more moderate and common Non-

State Conception is where “NGOs, thus, often play the role of discursive entrepreneurs: broadening agendas, introducing new symbolic capital and increasingly extending and diversifying policy discourses.” (Holzscheiter 2005: 742) This is the conception of Global Civil Society as room to talk. But it can be taken further, to the point where:

Nonetheless, there have been numerous situations in which NGOs do not merely play a walk-on part but instead have maneuvered into forceful positions enabling them to exploit their expertise, knowledge and representation of public opinion as power resources. (Holzscheiter 2005: 740)

Indeed this is apparently a not uncommon role for NGOs to knowingly seek out. It is the idea of NGOs as an independent extension of or auxiliary to bureaucracy, specifically fulfilling research roles that are too costly or politically inconvenient for state actors to invest the needed time in, an idea I will return to later. For now it serves to illustrate a second more moderate case of Global Civil Society in the normative non-state sense.

An understanding of world state actors as discourse entrepreneurs would be close to some of the expectations of world society actors in English School thinking, however I think that this is a distinction that is worth noting as being separate from what I suggest is the current formulation of expecting these actors to be anti-state. I think that it is these two formulations that dominate the understanding of world society in the literature, but the lack of distinction between the two leads to a number of problems I assess in the next section.

## The Trouble with Dual-Identities

What then emerges from these two different operational conceptions of the same body is competing criticisms, which together seem incoherent, or at least no-win. For those who normatively see global civil society as Anti-State critically "...has human rights activism as the opiate of the West, a device by means of which the privileged cope with the existence of the underprivileged, the oppressed." (Vincent 1986: 103) For those making normative claims of global civil society as non-state 'The criticism, then, is not far behind that it is an organization, and human rights an ideology, which look after western interests while pretending to a selfless concern for the interest of others.'" (Vincent 1986: 102) These competing criticisms stem from the central tension that "Campaigning for human rights, should be a subversive activity, and subversion is not well done by those who are preoccupied with maintaining their apolitical credibility in the minds of the very institutions they should be subverting." (Vincent 1986: 102) At some point in all of these organizations there is a struggle between those who feel they *should* continue to be subversive and those who feel they *should* engage in professional mass politics. The trouble is that with most of the organizations and with GCS as a whole this dispute is rarely if ever resolved but is moved into a stalemate while they "just get on with it." However the failure by analysts to clarify this rift and the failure of activists to resolve or at least address it leads to a number of problems and opens them up to yet more criticism and global civil society as a whole to more confusion.

As a part of world society this theoretical confusion means that there is an even greater tendency to see this pillar as Cinderella, an even greater proclivity to assign it to

the file for tomorrow. But it is precisely this type of cleanup that this study hopes to engage in. By engaging with and seeking to better organize the internal organization of those actors lumped into world society we can better understand the underlying interaction with international society and other parts of English School theory.

Their status as anti-state or at least their claims to that lineage often creates another tension if they do not truly operate under that conception. On the other hand we have the danger on the other side, those who see Global Civil Society as normatively non-state, question the anti-state aspirations of Global Civil Society:

NGOs stand out as those participants in global governance whose credibility, respect and influence is to a large part founded on nonmaterial power resources and their successful enactment. The grounding of their identities on non-profitable and non-violent aims and philosophies can be seen as the main source of their authority as norm- and moral entrepreneurs – despite ongoing debate about the ambiguity of these ideal type characteristics. (Holzscheiter 2005: 726)

Their independence from the state is often seen as their primary source of credibility, so maintenance of at least the image of independence becomes paramount.

This came up in an interview with a subject who discussed the trends within the NGO community. He suggested that through the 80's and early 90's NGO's were the flavor of the month and received a great deal of funding for agricultural development until the pendulum began to swing towards giving money to the local governments directly, which has led to some starvation of NGO's, which can be good as they shouldn't

be dependent on government funding, they should be separate and run their own show. And their funding pattern ought to reflect that.

The critics of a collaborative conception also suggest that it should not be an end in and of itself. We have the criticism of this form of apolitics by those suggesting an anti-state conception,

In criticizing the excesses of left and right, it marks out no position of principle between them, but shifts merely to what happens to be the mid-point in the current debate.

Therefore, to be in the centre is not to be apolitical, but to have one's political position determined by others. (Vincent 1986: 102)

Here we can see how this unresolved conflict between competing moral claims leads to confusion as to what goal the actor is striving for. In Amnesty in particular the question became between being a moral and political actor:

Amnesty's store of moral authority- its moral capital- was a substantial resource and it attracted those who wanted to fight more political battles. This did not decenter the need for research, but it threatened to decenter the research because political authority places more emphasis on pragmatism in message and method. If moral authority was no longer an end in itself, then Amnesty research- hitherto synonymous with the ethos- would have to be more instrumental. (Hopgood 2006: 106-107)

These conflicts stem not from a problem with mission sprawl or control but with a failure to define the normative framework of these actors as member of Global Civil Society, failure to agree on what that means operationally.

Taken to the extreme it can be suggested that "...it seems possible that if global civil society did not exist it would have had to have been invented." (Chandler 2004: 328) This opens up the question of accountability and representation. How does a group that 'represents the unrepresented' stay connected to its constituency. This question then is addressed in the later section. Though part of the answer may be that "...today's liberal and radical commentators are drawn to the international realm not because it is a sphere of political struggle, but precisely because it appears to be an easier option-one with less accountability and little pressure for representational legitimacy." (Chandler 2004: 331)

Rather than creating greater global connections this type of global activism may instead be eroding local ones. Connectedness to a remote constituency also leads to other questions of connectedness, namely connectedness to the organization's own community:

The global interconnectedness which is celebrated is, in fact, the flip-side of a lack of connection domestically: 'Air travel and the Internet create new horizontal communities of people, who perhaps have more in common, than with those who live close by'. What these 'citizen pilgrims' have in common is their isolation from and rejection of their own political communities. (Chandler 2004: 329)

So many are drawn to work at this level because it is preferable to find like-minded people and engage in their cause rather than build connections with those in an existing community and engage in an exchange.

The goal of global civil society activism is to engage in new deliberations at new levels. It is suggested that the tiniest goal of global civil society participation:



... is to provide an alternative vehicle for deliberation, for introducing normative concerns, for raising the interests of the individual and not just the state. Global civil society does not represent the 'people'. NGOs, says Michael Edwards, have a voice not a vote. But the fact that global civil society is in principle voluntary and open to all individuals' offers the possibility of participation and deliberation at global levels." (Kaldor 2003: 141)

At what point does these activists disengaging from their own political community have an adverse affect on that community? By disengaging from their neighbor because they may not share their views they are denying their neighbors a chance to be exposed to their ideas, and vice versa. At what point is it a problem if people only seek out those who feel the same way they do and disengage from the rest of humanity? Is this the political equivalent of 'taking your toys and going home'? If this is a danger then it has major implications for domestic political discourse, which ironically out the other side is what these organizations seek to influence. The question to be tackled then is what does the governance and organization of these groups mean for the political discourse they seek to influence, are they simply opening up a global space, but in doing so are they closing another one?

The danger is a narrowing of the political sphere rather than the expansion of it. It is suggested then that the possibly unintended consequence is that:

The unwillingness of radical activists to engage with their own society reflects the attenuation of political community rather than its expansion. Regardless of the effectiveness of radical lobbying and calls for recognition, this rejection of social

engagement can only further legitimize the narrowing of the political sphere to a small circle of unaccountable elites. (Chandler 2004: 339)

This proposes the possibility that this type of global activism may have detrimental effects on political discourse as a whole, a question I will go into deeper later. First I think it will be useful to analyze the bureaucracy and professionalism of these organizations to use the ideas built there with the ones from this section for this later analysis on the effect on discourse.

A narrower sphere for political discourse would have an impact on the concept of world society. Part of the underlying conception within the English School theory is that much of the function of world society actors is to function as a space for discourse across boundaries and between citizens rather than between officials. If this function is absent then it presents some theoretical problems it is for this reason that this is a key question for consideration of what the shape and size of world society is and how it interacts with international society. It is this question that I will turn to in the conclusion of this chapter.

### **NGOs, Bureaucracy, and Professionalism**

As vanguards of an anti-political movement, disruptive of the state-system, many NGOs can seem somewhat lacking. There is the point that the "...success of these organizations depends as much on their professionalism, their ability to manage budgets, public relations, fund-raising, etc. as on their public or social appeal." (Kaldor 1999: 202-203) The ultimate expression of this increasing 'professionalism' has meant that the organizations claiming to be heirs of the anti-soviet social movements "... have shown remarkable abilities to streamline and 'bureaucratize' their activities and to adapt to

social structures which were designed mainly by state actors.” (Holzscheiter 2005: 739) Ultimately this leads to being “...criticized for its conservatism: politically, in its refusal officially to recognize any justification for violent change; and socially in its elitism, its membership stemming across the globe from the same class as the government it seeks to influence.” (Vincent 1986: 102) This ultimately casts doubt on the idea of this understanding of Global Civil Society being what those within Global Civil Society see as their normative goal.

Professionalism is often emphasized by actors within the NGO community as a positive trait of their organization. NGOs as anti-state is further cast in doubt by the ways that subjects within the NGO community described their organizations and their work. One subject suggested that his organization sought the “Quick-footedness of a consulting company with a long-term view to quality research.” At the same time he suggested that other NGOs could be characterized as “...more service delivery organizations which were more interested in working with governments to get funding and fulfill those needs.” This suggests a collaborative relationship with government, not a necessarily oppositional one.

Other subjects seemed to echo this understanding of their role. One suggesting that their job was, “Engaging with NGO and policy community to make better policy,” further suggesting that their organization was concerned mainly with creating “action-oriented research” and “Practical Suggestions that can be implemented” these comments were given with the warning label though as being the ‘party-line’ so to speak, that these were the phrases they were told to use when such questions came up. At once this preamble suggests professionalism and bureaucracy in the organization’s

communications, but at the same time suggests there may be a countervailing spirit to these official slogans on the level of the individual actor.

Research and service provision are common themes for NGO actors though. When describing the underlying values of their organization one subject described them as “Inherently multi-lateralist, long-term impact, lots of countries affected and no one can do it on their own.” Suggesting that their role was merely providing more information from a different perspective to get more people talking about particular issues, despite the realization that, “There’s no reason more people talking about something will result in more progressive policy, but that’s our hope.”

A persistent lack of information by both public and policymakers is seen as creating the underlying need for so many NGOs. When asked about why there was a need for so many organizations providing research, information, and knowledge to the policy process one subject stated at the root of the problem was their view that, “People do not know enough about UK foreign policy, and international organizations. Better decisions would be made if people knew more.” This included that, “Some parliamentarians are lacking in their knowledge.” Ultimately then for many within the NGO community they see their role as providers of information based on the “basic idea of two heads are better than one.”

Perhaps anti-state roles are just too great of a goal for most organizations. For structural reasons it makes some sense that most NGOs would seem to take on much more limited goals when compared to the anti-state aspirations often ascribed to them. “Unlike states, INGOs lack the rational-legal authority to make or enforce law. Unlike global corporations, they have few economic resources.” (Boli and Thomas 1999: 14)

Left without these two major sources of power but with the idea that they still must engage in politics they are left with nothing but information as power.

There is then a potential cost of professionalization in that it undermines the legitimating myth behind the organization as a social movement. This is a paradox of sorts where:

Successful partnership of NGOs in global governance often comes at the expense of adjusting their structures, working procedure and linguistic codes to new institutional environments and, in many cases, a slow 'estrangement' from their constituencies and the otherwise voiceless subjects they represent. Thus, it may be legitimate to ask if NGOs' potential to bring into play the weight of public opinion and sentiment in international politics may thereby be jeopardized in the long run; to ask if this success could leave them with the professional skills to participate in the arenas of the global discursive economy, but bereft of what is commonly perceived to lie at the heart of their legitimacy and respect. (Holzscheiter 2005: 746)

In more simplistic terms the better they get at being influential in the policy arena, the more of their street-creed that they lose.

Another cost may be a loss of personal accountability. There is a greater danger not just to the organizations themselves but a political concern for what the increasing bureaucratization of these groups' means. The increasing bureaucratization can potentially lead to decreasing accountability:

Today we ought to add the latest and perhaps most formidable form of such domination: bureaucracy or the rule of an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody. If, in accord with traditional political thought, we identify tyranny as government that is not held to give account of itself, rule by Nobody is clearly the most tyrannical of all, since there is no one left who could even be asked to answer for what is being done. (Arendt 1970: 38)

Eventually they may reach the point where:

In a fully developed bureaucracy there is nobody left with whom one can argue, to whom one can present grievances, on whom the pressures of power can be exerted. Bureaucracy is the form of government in which everybody is deprived of political freedom, of the power to act; for the rule by Nobody is not no-rule, and where all are equally powerless we have tyranny without a tyrant.(Arendt 1970: 81)

And there is at least some suggestion that this may already be happening within at least some groups "...The Research Department came to recognize no superior authority. Researchers became the authorities on their national domains, reinforcing the territorial state as the prime unit of analysis." (Hopgood 2006: 24)

If this type of bureaucratization limits accountability and reifies these organizations along national lines this suggests a predominance of an international society and a shrinking if not non-existent sphere for world society. Again I will move to analyze one final aspect of this question before taking the pieces of these three sections to analyze what the net effect is on political discourse of these organizations which in the

last chapter we learned premised their moral claims upon a theory of discourse. In turn this will tell us a great deal about what is going on within the world society pillar.

## **Governance and NGOs**

Along with tracing the bureaucratization of these organizations and their engagement with rather than opposition to state actors there is another trend that can help us define which form of global civil society these groups belong to, that is their governance. It seems clear that organizationally these groups rather than being true global actors are still very much creatures of a world with state lines:

For a movement legitimized by universal principles, Amnesty is strongly defined by the system of sovereign nation-states...The [International Secretariat of AI] gets its £25 million a year (as of 2003) from money raised not by members of Amnesty International but of AIUK or AI France. Each section jealously guards its national media and fund-raising space, national boards paying an assessment based on declared income to keep the IS afloat. (Hopgood 2006: 24)

While this traces back to Amnesty's foundation and the political times there were then, the fact that this form of organization has persisted in the face of the increasing popularity of Globalization theory might suggest something about more than just this group.

The fact that the logical model of the 1960's persists to an age of globalization when it might make more sense to reform its governance structure is telling of the underlying nature of the organization. Hopgood suggests:

This form of organization - the Red Cross model - must have seemed natural in 1961.

What was less obvious, perhaps, was that the work itself would be organised along national lines. States, even postcolonial ones, controlled security and information, and those whom Amnesty sought to free were locked away in the least accessible places of all, prisons. (Hopgood 2006: 24)

The fact that these organizations which are sorted beneath the headline of *Global Civil Society* continue to focus on states as both their targets and as their organizational logic seems at odds with that global mission

World Goals are often espoused by NGOs though they continue to organize upon territorial ideas. It seems almost contradictory that the world of states is so fundamental to so much of an organization which uses a Universalist rationale for so much of its motivation. "Universalism is evident also in the breadth of INGOs' claims about what they do...across every sector, the purposes and means of action promoted by INGOs are assumed to be useful and meaningful right around the world." (Boli and Thomas 1999: 35) However this seeming contradiction is one that can be reconciled to an extent.

As explored previously we need not assume that belonging to world society is necessarily at odds with participation in international society. The contradiction assumes that it is an either or question, that actors must belong in one box or the other. It is possible though that "The present world polity lies between these two extremes. It is



neither segmental nor ad hoc, nor is it *etatise*: legal-bureaucratic authority is partitioned among multiple states.” (Boli and Thomas 1999: 36)

NGOs can represent actors that work across boundaries while living within them. The logic then is that “...INGOs are transnational bodies exercising a special type of authority we call rational voluntarism. They employ limited resources to make rules, set standards, propagate principles, and broadly represent ‘humanity’ vis-à-vis states and other actors.” (Boli and Thomas 1999: 14) In Kaldor’s language they provide space for this dialogue to occur (Kaldor 2003: 107).

As an in-between space they may increase their influence. The question though is whether simply providing a space for such dialogue leads to a form of power in itself:

Both IGOs and INGOs are products of a Tocquevillean world in which institutional structures endow diverse actors with the agency to mobilize and organize. Various processes characterize IGO/INGO interrelationships- professionalization, mimesis, the exercise of authority based on scientific and technical expertise, and so on. At a practical level, their interrelationships represent a general process of mutual legitimation. (Boli and Thomas 1999: 30)

From an organizational perspective though, it can be questioned whether such a function can be fulfilled by a non-state, non-market actor:

Such ‘self-authorization’ runs counter to Weber’s analysis of authority as forms of domination because INGOs cannot dominate in the conventional sense. They have little sanctioning power, yet they act as if they were authorized in the strongest possible terms.

They make rules and expect them to be followed; they plead their view with states or TNCs and express moral condemnation when their pleas go unheeded; they formulate codes of ethics and endow them with sufficient legitimacy to ensure that flagrant violators lose standing in the relevant community. (Boli and Thomas 1999: 37)

This suggests a formulation of norms as power, with NGOs providing a forum on those global norms. However I would suggest that is the proliferation of the adoption of those norms, not simply the proliferation of groups advocating a norm that is a true measure of how pervasive a global or world society may be.

It is the proliferation of the norms that these actors espouse rather than just the number of organizations espousing them, the penetration into a broader world consciousness that would actually tell us about whether they represent the emergence of a transnational movement and would provide a stronger case that world society actors are becoming a dominant force in international relations. This is perhaps one avenue that future research could take but I will return to that question in the next and final chapter. For now I turn to pulling together the different analytical pieces that have been built in each of these sections to show how they could be used to reformulate a more robust understanding of the world society pillar, adding analytical clarity as well as a more detailed picture of the pieces that are rattling around in our box of broken toys.

## *Reassessing Policymakers*

While the results have shown some interesting differences from the predictions about non-governmental actors there are also some implications for the policy-maker side of the debate and a need to reexamine the assumptions made on that side of the equation. This study did not set out to be a major work of foreign policy analysis but it is worth some brief time to review some of that thinking just as I did with non-governmental actors. In some ways the sketch laid out in the framework as said earlier was meant to be simplistic as how it was complicated along the way would provide some insight into the complexity of the interaction between these two actors. However, some clarifications need to be made about complications within one group or the other before we can move on to a more thorough analysis of the interaction between groups.

The analysis of policymakers has sought not to place too much emphasis on explaining policymaker actions through one of the dominant agent or structure type models for policymaking behavior. The idea has been to see how these actors behave and interact with non-governmental actors without too much concern as to why but merely as a tool to demonstrate that they do have distinctive characteristics as a group that could demonstrate the efficacy of the divide between international and world societies. However these frameworks for analyzing these groups can add some rigor to the analysis before we compare this differentiation with the non-governmental actor group.

While the tacit understanding of this group was fairly simplistic it avoided too simplistic a view and had the understanding that, “States are not monoliths, and we might impute very misleading intentions to them if we assume that decisions are rational in this anthropomorphic way.” (Smith 2004: 317) The question of moral agency sought to

demonstrate the contours and differentiated nature of the policymaker group. Particularly on questions of corporate moral agency it explored the various conceptions of where accountability lies within the state, whether it be with the head of state, an elite within the state, anyone who serves the government, or the people themselves. The goal has been to demonstrate the various answers actors can have to that question and show an understanding that, “states are not conceived as unitary actors but rather as an institutional *structure* within which, and on behalf of which, individual decision makers act.” (Carlsnaes 2008: 89)

The conception we can demonstrate of policymakers shows that on the question of human rights in particular they are more differentiated than supposed. While part of the answer is that this can be a point of agent or structure or an understanding that: “While it is clear that it is simplistic to assume that bureaucratic position *per se* causes policy preference, it is equally clear that bureaucratic position has some impact.” (Smith, Steve 2004: 316) It is clear that on some level all of these forms of policymaker analysis contribute something towards their differentiated nature, this study also seeks to look at whether the confused at best role non-government actors play also contribute something towards this phenomenon. The case could even be made that despite the diverse nature within the non-governmental community ideologically, behaviorally we perhaps see greater similarity between actors within that group than within the policymaking group.

Within the analysis I tried to differentiate between at least three distinct groups within the policymaking community. As the focus was on the interplay of policy makers in Western-style democracies there were a differentiation between elected official, bureaucratic officials, and military officials. While this distinction was made it was still

believed that there would be a cohesion between them towards a more consequentialist viewpoint on most questions due to the more direct level of accountability.

Accountability to voters on the part of elected officials and to those elected officials on the part of their non-elected subordinates in the other two groups. However we can point to aspects where these sub-groupings have distinctive characteristics even down to more particular levels. For instance a former US State Department Official relates that:

The Department of State is a proud institution, and it comes by its pride honestly. But the susceptibility of an institution to reform is inversely proportional to its venerability, and the State Department is no exception. [The department is] located in a neighborhood of Washington called Foggy Bottom, a designation that has become a sometimes affectionate, sometimes sardonic nickname for the department itself, with unflattering implications for the mindset of the 13,000 people who work there and in our 249 posts abroad. (Talbot 2004: 200)

This colorful observation demonstrates one distinctive characteristic of an institution or at least the common view of other actors of one particular subset. We could perhaps go through all the departments, committees, agencies and other groupings within any major western government and find similar anecdotes or judgments as to an institutional character of particular institutions.

However the assumption that we would find a similar trend despite this level of differentiation did not mean to ignore it, the thought was that because of the fundamental level of our questions and the relative lack of public attention to the issues in question (human rights) we would find a larger level of cohesion between all the actors in the

larger grouping of policymakers in general, than between them and their counterparts working on these issues outside the government.

This was not meant to suppose that even at the leadership level, much less the officials doing the day-to-day policy work in government, that there was a significant level of cohesion. We can point to Bobby Kennedy's observation following the Cuban Missile Crisis about the small inner-circle of advisors that President Kennedy relied upon during the crisis to make his decision that to illustrate that differentiation all the way up:

the fourteen people involved were very significant – bright, able, dedicated people, all of whom had the greatest affection for the US... If six of them had been President of the US, I think that the world might have been blown up (Allison 2008: 215 quoting Steel, 1969:22)

While this does not invoke the human rights type issue we have mainly been concerned with here it does illustrate the point that policymakers at all levels can have divergent views even on the most critical of issues; even within an elite inner circle.

At the same time, despite the numerous divergences within the policymaker group noted in the framework of this study, there was found to be an identifiable trend on two of the three points where they in general followed a family tree of ideas distinct from non-governmental actors. So while noting the internal complexity of the policymakers as a group, we can still see on some questions a demonstrable divide between those in government and those out of it. This makes a broad characterization all the more difficult as it means that there is a degree of cohesion but the shared understanding (really rejection) of the basis of rights with non-governmental actors suggests that there is more

at play. The assumption then that we would see a trend was meant more as a comparative point against non-governmental actors however we can see this internal heterogeneity plays a greater role in the interaction with non-governmental actors, and it is that role that the following sections seek to develop.

### **Policymakers and Accountability.**

Parallel to the role that accountability plays structurally within the non-governmental actors is the role it plays for policymakers. In contrast to the non-governmental actors we can see that policymakers tend to be more responsive (as noted by General Shelton, possibly too responsive) to their domestic constituencies. Political leaders are responsive to the concerns (or perceptions) of the people who elect them and this in turn is passed down to unelected bureaucratic and military leaders. The need to at the least appear to be “doing something” is an important concern for policymakers, though how they react to that and what the “something” they carry out can be extremely different from leader to leader.

We can see in some ways the differences in democratic accountability plays out with interesting results. For instance a military leader who has never held elective office suggests that the high immediacy of accountability to the public actually can detract from policy decision-making. When asked about the military-first mindset of American policy General Shelton responded that:

*The US tends to want to do things rapidly. We are almost an instant gratification type of government. When the President says I'm going to do something, he thinks of it in terms*

*of how fast can I do it and get these people off my back. How fast can I turn the polls results around. The US, we'll give you action, I guarantee you right now if you wanted a strike Iran the military can do that within a matter of hours. You can produce activity, not necessarily progress very quickly. You can dig yourself a hole very quickly too by using that. That was my main concern Sept 12<sup>th</sup> when we went over to discuss what we would do about 9/11. That we would once again default to the military, because we are fast and produce activity. And the President can go on television and say 'I'm doing something'. It takes a lot longer to build a diplomatic consensus, a political consensus, to make economic tools come into play and therefore go bomb some training camps like we did on occasion. It will make you feel good, because you did something. But it really won't do anything to stop terrorist attacks. [emphasis added]*

The interesting turn-about here is that we have an unelected military leader discussing how the direct accountability of an elected political leader results in the military-first policy orientation. This is perhaps counter-intuitive as we might expect in an institutional framework for someone from that institution to push their institutions tools as the ones that should receive primacy. However it does perhaps make sense that someone in an unelected position would be suspicious of allowing popularity concerns drive policy.

Instead we see that perhaps the intuitive institutional analysis might be insufficient to explain what is going on in this arena, further complicating our picture. We have a military leader that is pushing for a wider variety of tools to be used first:

*The military is a tool to go after individuals like Bin Laden, if you have to violate Pakistani or Iranian airspace to get to him, you need something big and that can move rapidly, and the military provides that. If you need to shoot down an aircraft or blow up a*



ship or something that is an Al Q tool, the military does that. *But day in and day out the military is far down on the pecking order of what it takes to fight.* [emphasis added]

Or when he further adds, “It [the military] is one tool in the kit bag of the Presidents options which include political diplomatic economic, informational and the military.” We see then that on some level it is the difference in accountability of the institutions to which these actors come from which can have an influence on how they see the policy process and “good” policymaking.

It should be noted of course that this view is coming from one military leader does not necessarily mean he speaks for the entire military establishment, though as he was the highest uniform military leader in his country at one point and thereby might have a better claim to it than most. The point though is the existence of such an exception, if that is what it is or norm if it is not, within this agency refutes a simply institutional reading of the policymaking sphere.

So the interplay within the policymaking sphere of different forms or a different immediacy of accountability between policymakers in different subgroups of elected leaders, bureaucrats, and military leaders can lead to an even higher level of complexity on that side when it comes to policy questions. However the fact that those most immediately responsible to their public are the ones at the top can perhaps point us towards the results-oriented nature of actors in this sphere even the unelected actors. We can also point to the fact that like their counterparts in the non-governmental world they have an ethos that they are serving a specific group of people. When asked about who he viewed himself as accountable to with an operation General Shelton responded that: “The primary goal is to achieve your endstate in support of national objective. It all flows from

what the Secretary of Defense down the chain to whatever the objective was.” We see here an emphasis on the “national” objective. While non-governmental actors might point to serving the unrepresented, those in government see themselves serving the represented, who should not necessarily be taken for granted. If there are not people that see themselves as serving the will of even legally represented people, those people *de facto* are also the unrepresented. There must be actors that are carrying through on that representation.

Another important question about the accountability of policymakers in this framework is that the prediction was that non-governmental actors would act as a check on state actors. However we have seen in the analysis of the previous chapters and sections that this represents only a fraction of what is going on with non-governmental actors. Rather than the social movement understanding of non-governmental organizations we see that they are often neutral or complimentary to the state. If this is the case then there is an important source of accountability of these policymakers missing. Even though they have accountability structures in place an important monitoring function is supposed to be performed by non-governmental actors, however non-governmental actors confused nature in which they attempt to influence the state by getting in the room as well means that this is to a large extent missing.

The fact that we observe a lack of checks by non-governmental organizations on policymakers, or at least questionable checks in light of their other activities and interactions with policymakers, accounts for some of the complication we have seen of the framework. To a large extent domestic political considerations still have an influence on policymakers and are not substituted by a global level civil society, but in fact they are

accountable to old-fashioned civil society back home. In addition to casting doubt on the notion of a global civil society, from the view of policymakers it means that their job is complicated with the continued structure of a “two-level game” as Putnam (1988: 427-460) has termed it.

In some ways we can say this is good, the maintenance of accountability to their domestic constituents even on far-flung issues of human rights maintains an important role in their thinking despite the presence of a so-called “global” elite. While on the one hand we can be critical that these “global” organizations are not fulfilling an important role as check, it means that the role of check has not necessarily been completely turned over to a non-democratic elite in these organizations. The problem with this is that while in the best of circumstances there is a service mentality of policymakers and they still feel accountable to their domestic public, that accountability is patchy at best. The reason it was predicted that non-governmental organizations should be fulfilling this role is so that there was a constant monitor to complement the public monitoring which can shift to and then away depending on the news cycle. It is not clear that the absence of a social movement type check on policymakers is fully compensated by domestic structures of accountability, ideally we would see both. For each level of the game board there needs to be a constant audience as well as referees checking between them.

We can see then the accountability that policymakers have to their constituents is complex similar to how it plays out on the non-governmental side despite what the simplistic notion that people are represented would have us think. Carrying through on that representation is a messy at best affair even with clear institutional forms of representation. Brighi and Hill point toward one facet of this complexity:

... the implementation of goals in foreign policy involves an important ‘domestic’ or ‘internal’ component. More specifically, it involves an act of balancing, and indeed a process of interplay between what goes on inside the actor, and its projection towards the outside. (Brighi and Hill 2008: 124-125)

The interplay between the domestic and the international on the policymaker side is one important facet that will need further development and provides some insight just as it did on the non-governmental side and their conceptions of what constituted domestic and international issues on human rights. The underlying notion behind the Non-governmental idea of “representing the unrepresented” is a simplistic reading at best when we consider the implementation of policy. This adds all the more weight to the criticism of non-governmental actors as not having clear lines of accountability. If implementing the will of the represented is messy at best, what does that make it when there is not even those line of accountability to those that are proclaimed to be “represented” by a non-governmental organization?

### **Government Structure Affect on Policy Makers**

While we can see that the structure of non-governmental organizations and how they conceptualize who they are accountable to has an impact on the policy outcomes that they get, we can see this plays out much differently in the policymaker community.

While the US and UK have vastly different electoral processes with their own quirks, as

well as reasons to recommend them and reason to criticize each system the actual process in broad strokes and the policy making communities are structured similarly, or at least similarly enough for the scope of this comparison. In the policymaking community in both the United State and United Kingdom they are structured with the top most decision-makers directly elected by the people, they are then supported by differentiated bureaucratic agencies and military with unelected leaders and support staff.

The general organizational principle behind this structure is to provide accountability to the people while maintaining a long-term apparatus that allows for stability and continuity between electoral regimes. While we might debate how well either or both structures live up to that ideal it is nonetheless the principle behind them. As such we can see outcomes such as those outlined above in which while all actors in the policymaking community see themselves as accountable to the people or nation how they carry that out can be quite different.

When we compare this to the bureaucratic and predominantly undemocratic structure of non-governmental organizations we can see why there is such different results between the two groups and different levels of cohesion. Because of their structure being oriented towards a public audience to which actors in the policymaking community are ultimately all answerable to on some level, they are forced into different types of behavior. Some I have mentioned in the previous section with the overriding need by policy makers to always at least in appearance to be “doing something.” They must always have a level of activity on any and all issues so that should public scrutiny turn to those issues they might appear to have “actions” that they can take. This is broader than simple activity though, on a day to day basis this means that they must constantly be

making decisions, debating a course of action to take in policy areas, and engaging in bargaining with all actors in the policy arena, internally and externally, to enact the decided policy outcome.

Often times this will mean engaging in similar activities to their counterparts in the non-governmental sector of conducting research, writing reports (that may largely go unread), and preparing for changes in events. A key difference though, is because of their ultimate democratic accountability they must be prepared to follow through on the findings of these activities, or even at a more basic level, they must at least have findings. This can be seen as a key contrast with the non-governmental sector and might also explain why, despite their differentiated nature and the various turf wars involved with the policymaker side of the equation there is still cohesion on broad issues, because there is a decision-making process that goes along with the information gathering process.

The other key structural difference that we can point to is the continuity of the policymaking structure. For the most part, and certainly when compared to the relative ease with which non-governmental actors can split and start new organizations, there is an institutional permanence to large parts of the policymaking structure. For instance if there is disagreement within the State Department it is much more difficult for the minority to branch off and start a new organization formally and still remain in power. Differences must be worked out internally and then differences between agencies must be worked out internally within the policymaking cluster between other government agencies and organizations. This is not to imply that these are totally close systems, as I have outlined, at each level of the process external influences can have their say, however the activist which may or may not be with the same organization the next time you see

them isn't going to have the same level of influence that the career bureaucrat you know you will have to work with again will have generally.

At the directly democratic institutions we can make a similar case. In the executive and legislative branches of western democracies, votes must be taken, orders handed down, and directives decided upon. At any given time there is only one regime for doing this, and over time it is the same institutions doing it. So again for instance if a minority party does not like the decisions being made they do not have the option to go out and form their own similar institution. Labour can't have it's own Parliament, the Republicans can't form their own Congress without dramatic implications and probably a large level of bloodshed. This means then that they are forced to participate even when they don't agree so that they can get what concessions that they can or stand up at the next election and make their case with clear examples of where they would have diverged from the current leadership.

The combination then of democratic accountability and permanence in the structures of government can point us to why we see a level of cohesion within the policymaking sphere, despite a high level of differentiation. We could argue instead that it is because of the differentiated structure that we see some cohesion at all, as while differentiated it has in place incentives to engage in the type of forced resolution of issues at discreet points in time and bargaining type behavior that is absent in the non-governmental sector. This is certainly a stripped down and well-polished reading of the process and structure within the policymaking community which is labyrinthine in nature, but certainly when compared to the problematic structure of global civil society it can appear so.

## **Policymaking and the Foreign and the Domestic**

The partial failure of the framework on the issue of the basis of rights suggests other ways that the framework may have been misconstrued or oversimplified. In the design it was supposed that policymakers inside the government represented actors within international society and the focus was upon the interplay between those actors and non-governmental ones focused on human rights. It was suggested that on an issue as particular as human rights which does not have as broad, continuous public attention as other international issues, much less domestic ones that the role of domestic politics would be mitigated. However, the fact that policymakers must always be aware of public perceptions of their actions can have indirect effects on how they view human rights policy even when it is largely ignored by the domestic and world public.

Policymakers concern with balancing domestic political concerns could have indirect effects on their views of foreign policy by limiting how boldly they can pursue a human rights oriented foreign policy, how much time they can spend on it over other policies that might be more important to voters at home, increasing the number of events that might distract them from such policy, and otherwise just generally constraining the amount of time they can spend on particular human rights issues. One subject who worked in the non-governmental sector lobbying parliamentarians in the United Kingdom observed that there were generally two types of Members of Parliament that took an interest in human rights issues and thereby sat on the related committees. One type was older members in very safe districts that could afford to spend the time focusing on this



issue to the exclusion of others. The other type was young members who tended to have a more idealistic approach to policy in general and were thereby willing to commit time focusing on issues even if they weren't of great concern to their constituents (or because they were elected from constituencies with a large number of young idealistic voters). This observation suggests a belief even on the part of some working in the field that human rights are generally not a bread-and-butter issue for the public. The implications of whether those that hold such a view consider that to be a good or bad thing are up for debate.

It is suggested then that even when there is not a direct impact or interest on a particular 'international' issue policymakers are always constrained by domestic considerations:

... the implementation of goals in foreign policy involves an important 'domestic' or 'internal' component. More specifically, it involves an act of balancing, and indeed a process of interplay between what goes on inside the actor, and its projection towards the outside. (Brighi and Hill 2008: 124-125)

Even beyond the consideration of the time of an individual policymaker there are always costs to the implementation of any policy, and even on a larger level pursuing certain policies will mean less time or material to pursue other policy goals. The question then can turn not on disinterest but on level of interest.

On top of this consideration of the domestic there is also another consideration on the part of policymakers as part of international society, in the primary definition of

international society actors they have constraints on them by their counterparts in other states:

... most foreign policy implementation involves a tangled web of connections with other states, or at least parts of other states, which is both necessary and a serious complication of agency, in that it may compromise the aspiration towards a single, rational strategy and the control of outcomes. (Brighi and Hill 2008: 129)

The pursuit of a human rights agenda can have diplomatic pitfalls that may be too steep in some situations for policymakers. Despite their best intentions they risk charges of hypocrisy by critics or offending other members of the society that for strategic reasons they may consider it more prudent to turn a blind eye to. This of course gets back to the general perception of how policymakers would behave across all three questions of the framework, that they would be more inclined to see human rights issues as constraints on other, more important policy objectives or at best a secondary happy coincidence of policies pursued for other reasons.

While it is outside the scope of this study to truly sort out how such domestic and international society constraints determine policy makers action it is worth noting them as something that complicates our picture and consider some of the implications on their interactions with non-governmental actors specifically. For now I would suggest that:

Domestic politics and international relations are often somehow entangled, but our theories have not yet sorted out the puzzling tangle. It is fruitless to debate whether

domestic politics really determine international relations, or the reverse. The answer to that question is clearly ‘Both, sometimes.’ (Putnam 1993: 431)

I think time would better be spent considering how we might compare the foreign and domestic dynamic to what we have seen in the non-governmental arena.

The question of how and why human rights are considered an international issue rather than a domestic issue had important implications for the analysis of non-governmental actors and they do for the policymaker group as well. For policymakers the issues is compounded in that it is much more than a cultural taboo or a self-protective rule to maintain an appearance of neutrality like the WOOC (Work on own Country) rule was for activists with Amnesty International. For policymakers to talk about “human rights atrocities” as a domestic issue they are effectively accusing members of their own state of a crime. For western democracies what are considered a human rights violation abroad is a civil violation at home, so they will be less inclined to use as charged language when speaking of their own country than they would of say, a third world dictatorship.

However the debate of human rights does spill over into the domestic debate on occasion for Western Democracies. Most notably as of late as has been discussed earlier in the context of charges by non-governmental organizations such as Amnesty and Human Rights Watch against the American government: torture. With the regime change in the US which saw a President elected who vowed to put an end to American torture program, recent months have seen the torture debate experience a new-found popularity and a public debate over when, whether, and what constitutes torture has new life. While I explored the topic in the previous chapters and don’t seek to go too in-depth into the

issue again, it represents a key example of how complicated the interplay between the domestic and the international can be on issues such as human rights, and how public attention can shift the importance of such a debate and gain greater attention of policymakers. Bush administration officials that had previously been hesitant at best to discuss such programs while in office are now seemingly nightly on television defending such programs.

On the other extreme of this issue it could be suggested that such a divide between the domestic and the foreign is becoming less and less apparent. One former policymaker suggests that: “In the context of the many global problems facing the United States today, and also in the context of their solutions, the very word ‘foreign’ is becoming obsolete.” (Talbot 2004: 204) Trade issues for instance have implications on jobs at home, and whether we torture in the United States can have an impact on how we are treated abroad. This is hardly to suggest it has gone away completely however, for most issues, even those that directly cross over the divide, the relationship between the international and domestic pressures at work are complicated at best.

While we can see that increasingly foreign policy decision have greater impact at home and are rarely solely the preserve of an elite segment of the population, we have seen this wax and wane over time. Putnam’s analogy of the two-level game still illustrates many of these complexities nicely:

The political complexities for the players in this two-level game are staggering. Any key player at the international table who is dissatisfied with the outcome may upset the game board; and conversely, any leader who fails to satisfy his fellow players at the domestic table risks being evicted from his seat. (Putnam 1993: 437)

Foreign and Domestic levels of analysis play a role for policymakers and are important to understand for analysts even on issues that are not continually of concern to domestic or international publics.

### **Non-State outreach by Policymakers**

Previously I discussed from the viewpoint of non-governmental actors how nongovernmental actors could be understood not only as anti-state checks, or neutral towards the state but as actively pro-state. Essentially that, they could be used as auxiliaries by the state. Two major possibilities were discussed, an understanding where they can provide research capacity to augment state research or in areas where the state cannot for whatever reason invest in research, notably for this study, human rights. Another area where they could operate as auxiliaries to the state was as global monitors of western norms, notably in the work of Steele and Amoureux with the theoretical analogy of the global panopticon. While the implications of this were explored for non-state actors it is worth some time to discuss this conception from the point of view of policymakers.

While we can see evidence where nongovernmental actors can fill this role or are filling this role in a limited basis it is worth asking why or if state actors seek to use them in this way and to what extent. For some policymakers they suggest that this is the product of seeking to do more with less but also that NGOs might represent organizations

better able to get down to the “grassroots” of issues and get into localities where state actors cannot:

Governments are often too cumbersome to respond effectively to transnational threats – including when those threats are manifest within their own borders. Partly as a result, political authority is devolving from the top down and from the center outward, to local and regional governments and to community organizations working at the grassroots. Therefore, many governments, including the U.S., have sought to leverage scarce resources and improve their ability to address transnational threats by forming coalitions with ‘nonstate actors’ (Talbot 2004: 203)

While in some ways this cooperation might be welcomed, on paper it allows actors without the groupthink of established bureaucracies access to the policymaking process and allows for state resources to go further.

However analyzing a bit deeper between this again, seemingly harmless, role of non-state actors we can see that these premises for this role of non-state actors come with liabilities. First of all we might question the premise that this is a more effective use of resources. While it has decreased as of late, one subject said that in the early and mid-nineties non-governmental organizations received a bounty of funding from state governments in the form of grants and other awards for their work. We can question then whether this is a more effective allocation of resources than having the state run these operations internally. In the context of development groups, why does giving state funds to 15 non-governmental groups with their own separate organizational structure which comes with a duplication of bureaucracy, leadership, and at the most basic level, payroll

increase efficiency? Each of these groups presumably employs a number of individuals doing the same or similar jobs. The question then becomes how this is more efficient than if one structure were in place for the delivery of development assistance to other countries. This is not to say that there is not a case to be made for this plurality, to some extent we might wish to see which forms of development aid work and which do not, and by doing so through a number of different avenues we have a greater number of options being tried at once that might not work under a single structure. However I suggest that the premise that this is automatically more efficient would need closer investigation, especially considering the costs of coordinating the efforts of the disparate actors within the non-governmental sector that we have discussed above.

The question here then is what exactly is the incentive for policymakers to steer funds towards non-governmental agents for certain projects. The fact that a policymaker working in a democratically accountable organization would seek to send funds to a non-democratically accountable organization under the guise of “efficiency” certainly could raise some serious ethical concerns. While again this may seem like a basically harmless exercise in the context of human rights or development being the ends, there are certainly valid questions about oversight of such actions as well as the possibility of setting a poor precedent. While in this context the ends may not seem particularly harmful, the appearance of an invitation to engage in corrupt behavior by policymakers is certainly there and requires a greater level of scrutiny if such a relationship is fostered between the governmental and non-governmental sectors.

We need also to question the true cost when policymakers use non-governmental actors as a resource for information or expertise that is supposedly “free.” As I have

outlined in the previous sections, all non-governmental actors have an agenda that they often adhere to rigidly, and the information that they seek to provide will be to enhance this agenda. While we might point to the carefully cultivated “neutrality” of Amnesty International in particular on the research they provide, this needs to be tempered with other sources of information. If the argument that non-governmental actors can provide governments information more cheaply and efficiently than old fashioned intelligence or diplomatic engagements then we risk losing a plurality of perspectives on events in far-flung places, a plurality that is preferable to any supposed internal “neutrality” of any organization no matter how carefully it is cultivated.

There are also questions about the second premise of the stated preference for using non-governmental actors by policymakers: that they are better able to get to the “grassroots.” As I have explored above there is a strong argument to be made about the accountability of non-governmental agents to the “unrepresented” that they claim to represent as well as questions as to how much credence can be given to claims that they better understand local issues. Without democratic mechanisms or some other structural evidence as well as the many doubts that are espoused about this claim, it should be held in skepticism when we hear it coming from those within the policymaking community as well. This is not to suggest that organizations already working in a country should not be turned to in particular circumstances as a matter of policy, just that when doing so it is worth questioning the strings that will be attached with working with that particular organization and what agenda they have in the region. While this is not to suggest any necessarily sinister motivations on the part of non-governmental actors, their ideological purism may have unintended implications in a number of circumstances.



Before a triumphal claim of the ascendance of a global civil society as the solution to all of the shortcomings of limited government funding on a number of very important world issues we must be careful to analyze what turning over essential governance functions to non-state actors means for states. While there is much to be gained from the expertise and independent funding of many of the organizations working in cooperation with government it does not come without costs that need to be fully appreciated before engaging in such partnerships. This is not to say that they should not be happening or even that they should be discouraged but that the implications of such relationships need to be fully understood on both sides. When policymakers begin to outsource such essential functions of government as information gathering and analysis to non-democratic organizations we need to be aware of the potential pitfalls as it may be an awareness of them that stops us from falling into them. If instead we accept this assistance uncritically we might find ourselves in a quagmire of governance before we know it. While it is popular for policymakers to find ways to cut spending we must also understand that this doesn't always come without costs.

### **Crossovers Between Sectors**

The final complication that needs to be noted and discussed with this framework is the amount of crossover between these two groups. While the framework was designed simplistically illustrating these as two distinct groups the study has illustrated how they are far from antagonistic on many issues as might be supposed and indeed are often cooperative. Added to this I have argued that both groups show a remarkable amount of

demographic similarity. Actors within either group come from similar backgrounds, are educated at the same institutions (and indeed as another distinction tend to be highly educated), and have similar interests. Besides the previously explored implications of this we can also point to another, the high number of individuals who switch, often multiple times between one group or the other.

Of the subjects I interviewed, one of the subjects in the non-governmental sector had previously worked in government and another admitted through the course of our discussion to have ended up in the non-governmental sector after being unable to find work with a government agency. The same subject discussed other friends that worked in the field having made similar switches. The governmental subject that I interviewed has since retirement from government service been involved in various non-governmental organizations and has readily provided advice to actors in and out of government. Finally an interview with another subject fell through when after initial contact he was unable to meet having left his job at an NGO and moved cities to take up work for the government.

We could also point to the post-presidency activities of most recent former US Presidents. Most famously former President Jimmy Carter who works with the international charity Habitat for Humanity and started his own non-governmental organization in the form of the Carter Center (<http://www.cartercenter.org/> 3/16/09) which works on Human Rights and Development issues. Similarly former President Clinton's foundation (<http://www.clintonfoundation.org/> 3/16/09) which while primarily philanthropic in nature also conducts policy work on a number of global issues.

These examples, while just a small sampling, show that the distinction between these two groups is complex at best. This study has shown that there is analytical value

between the distinction and that there are trends within them, it is important to note the close relationship between them and that this divide should not be seen so much as a boundary as a frontier.

### ***Implications for Political Discourse***

Having now assess the complications that the study found for each group, non-governmental actors and policymakers in turn we now can bring them both together to understand what the implications of the individual complexities discussed above have on the interaction between them. I seek here to do this in the context of what effect this has on the discourse between the two sets of actors and how the differences and similarities found between them influence the nature of that discourse.

On the part of non-governmental actors the problem may be that the proliferation of Non-Governmental Organizations, while creating greater space where global norms can be formed is doing so not by creating consensus around global norms but by creating greater difference within the discussion. The proliferation of these groups results not in the creation of norms but of mores. Rather than converging around the thin these organizations are separating upon increasingly thick specializations. Rather than:

... non-governmental organizations involved in human rights, believe not merely in the power of opinion, but also in the idea that opinion must be founded on truth. From this comes the criticism that...groups of this kind are not political but missionary, and thus confined to the sidelines of the political world, marginal in their impact on it. (Vincent 2001, 99)

Which seems to assume that these opinions are converging towards something, however we can see the opposite, increasing divergence and at the same time they seem less and less to be ‘confined to the sidelines,’ increasingly they are instead being called up to the manager’s office to talk strategy.

Contrast to this a high level of differentiation within the governmental sector as well but with much different results. The Governmental sector experiences continual growth as well, even if not the relative explosion there has been in the NGO sector. Agencies and bureaucracies are growing, expanding, and multiplying and at the same time still have insufficient budgets in the view of some policymakers leading to a growth in the reliance on the governance capacity offered by NGOs. Governments are, like the non-governmental sector, factional and diverse, and require a great deal of internal reconciliation in order to get policy made.

On the NGO side, the difficulty in coordination between NGOs shows an increasing divergence. More than just the proliferation of ever more specialized NGOs this seems to be borne out in the comments of those working within the NGO sphere. When asked about working with other NGOs one subject said that “... you have to really work out your core values as you will be compromising with them to coordinate your efforts. I’ve only recently heard the expression ‘herding cats’ but I feel like there should be a bit beyond that like, ‘herding cats being chased by snakes.’ Something that captures the absolute chaos from working with so many groups with their own particular views.” She suggested an understanding of the logic of it, “NGO’s have strong organizational cultures, which can be quite helpful for the things they do, and they have to have a sense of self-belief to get the job done. But it can make it difficult to bring these groups

together.” So this proliferation of groups may be providing more space for discussion, but is that discussion leading anywhere?

Going back to the original problem introduced in this chapter, the answer may be not with the current confusion of normative goals. It may be more productive if rather than having competing conceptions of global civil society, the two different conceptions were given their own terms to acknowledge these differences. This could take a number of forms, a differentiation between service provision and advocacy groups (which wouldn't seem to be difficult considering the number of different NGOs there are), a return of “Social Movements” to refer to those parts of global civil society which fit within an anti-state framework, to suggest a couple. Either way this would allow an acknowledgement that both conceptions fulfill important roles within a world society, but rather than confusing the proliferation of predominately non-state NGO's with the normative claims of an anti-state function it would allow this function a space of its own. While the Non-State NGO's may be providing a space to politically talk at a global level, which is important, it seems to be squeezing out, confusing, or subsuming a space to politically act at a global level. While these two functions need not be at odds themselves it seems that they would benefit if they were given acknowledged separate spaces.

The further problem that needs resolution is whether some or even all of these groups would be better served by being analyzed as internationally focused domestic or international actors rather than global ones. Despite their aspirations it seems dubious to claim that even a majority of these groups are truly global actors or whether they are still meaningfully tied to state divisions. This is similar to the differentiation between Multi-national corporations and Trans-national corporations.

These differentiations into different normative and international categories could provide not only greater clarity for analysts. It would also answer many of the criticisms that NGOs face and decrease some of the power conflicts within and between the groups. However attempting to better understand NGOs serves mainly as an avenue into the broader realm of World Society in general.

While we can point to similarities in the complex natures of both sets of actors, as well as a cultural similarity in terms of the backgrounds of those participating in each in and out of government we can point to structural reasons for their different outcomes. While governmental structures grow they still have a higher level of permanence than in the non-governmental arena. While there might be coalitions within agencies these do not split the agencies apart at as high a rate as happens with NGOs. And while there are divergent views, they must all be brought together to take a vote on the floor of the legislature, win the next election, or choose a specific executive action.

I have presented here several different ways in which the normative role of global civil society could be formulated. Rather than suggesting one of these is right and the others not I would suggest that they all exist simultaneously and create tension within the concept of global civil society because of it. I suggest that the concept would be better served by being broken more explicitly into different analytical categories all under the banner of world society. As a subset of the world society concept providing greater analytical clarity provides greater clarity to the concept as a whole. These parallel the distinctions already made within English School literature they need only be carried over into other sources of literature to increase the clarity of their project.

There are at least three normative formulations going on with actors that have been all termed part of global civil society. The first, which I suggest is the one supposed under most English School thought, is the anti-state understanding in which these actors act as a check upon the state. I suggest these would be better understood analytically if they were broken into their own designation as social movement. There are then at least two normatively non-state conceptions that could add clarity. One which sees them as auxiliaries of the state, providing services the state cannot, or providing extra research capacity, or as watchdogs for the values of particular states as part of a global panopticon. The other normatively non-state formulation sees them more as part of a space for discourse, providing information and ideas a place to flourish that can bypass or move through state actors as needed. By making these differentiations we could provide both greater rigor to our account of what is going on within the world society sphere. Better understand the currents that undergird it. And by finally by extension add greater clarity to the overall endeavor of the other aspects of English School theory.

These three formulations parallel the distinctions made about the three understandings of world society. The normative understanding of NGOs as non-state or social movements can be understood as following the Kantian conception of world society suggested by Buzan (Buzan 2004: 6-10) in which world society seeks to override borders. The non-state formulations of global civil society can be seen as paralleling the Grotian and Hobbesian understandings. With the Grotian image of world society being a space between mitigating the harsher impacts and Hobbesian understanding which suggests that they exist only to serve the interest of powerful states. (Buzan 2004: 6-10)

Adding these analytical categories from English School thought to the concept of global civil society is also part of my effort to address Buzan and Little's challenge of providing outward traffic from English School thought (Buzan and Little 2001: 21). I believe that by making more explicit within thinking on global civil society and civil society within more sociological thought would add greater clarity to work in those areas as well and might better allow them to diagnose why, despite the proliferation of groups within global civil society, their actual impact on decision-making is still limited. It would help to address the tension that so many of these groups face between non- and anti-state understandings of their role. Although my true goal was to add greater clarity to the English School conception of world society I think there is wider potential benefit to other fields. My impetus for looking in this direction was a frustration with how they acted that was premised on an English School theory of their role being anti-state checks.

While this chapter explores the beginnings to answering a few questions that came about through the research, it is only just that a beginning. How those answers might be further explored as well as what other questions they lead to is what I will discuss in the next chapter. I hope to outline a course of action for furthering the project that has been laid out in these three chapters. My underlying concern was in understanding the interaction between international and world societies. While this began with an analysis of the human rights debate it turned to a broader question of how the discourse upon which that debate ultimately rests is affected by structural elements of the organizations that are the less understood side of that debate explored in this chapter.

This analysis has now taken us to a point where to more fully develop our concepts we will have to broaden this project beyond its already strained scope. I seek



now only to review what has been learned in this study and to sketch out new directions that the research could take to further explore the underlying interaction between international and world societies.



# Chapter 5: Conclusion, ways to move forward

In this chapter I will first briefly summarize the argument made and conclusions found in this study. I will then present my final conclusions of this study, exploring some questions that should have been asked. I will then use those questions as a point of departure to fit this research into the larger context of studying world society actors of different stripes and what further research this discussion opens up. In the first section I will explore further the criticism of NGOs as being undemocratic not from the accountability perspective covered in the last chapter but more as an exploration of the point raised whether deliberation without decision making is also detrimental to the goals of civil society. While we had the beginnings of an answer to these questions in the current study they require further development that cannot be fully delved into here and provide a point of departure for sketching out further research. I will then move on to a discussion of whether the deliberation that was explored can be resolved through some sort of synthesis of points, or whether the underlying differences established in the earlier chapters make the argument not a deliberation at all but a competition in which resolution is not possible other than one side ultimately (and unlikely) prevailing which leaves us then stuck with our current predictable pattern. I then conclude with a discussion of what parallels this study suggests for other world society actors and how they might be further explored, and why such work is imperative.

This study sought to gain a better understanding of the seemingly repetitive interaction between non-governmental organizations and policy makers. The interest in this pattern was that I believed it represented an illustration of the underlying interaction between actors that could be placed in world society (NGO actors) and those in international society (policymakers) and so represented an opportunity to explore those concepts and their connection while adding clarity to the underdeveloped concept of world society in English School thinking (Buzan 2004: 11). Citing the seeming predictability of either side's response to any given issue within the context of human rights I sought to understand whether this is truly the superficial disagreement it seems or whether there are deeper, intractable differences between the sides that might make such a disagreement irresolvable.

This predictability can however be seen as a good thing in some ways, the predictability of a debate even if it is without end is perhaps preferable to other methods of engaging in political action. While it may be less eventful to have the same arguments over and over again it is preferable to having the same wars over and over again, though in some ways the resolution of the former may lead to the same with the latter as I aim to discuss at the end of this chapter.

The intractability of the debate between these two sets of actors provided a way of exploring the divide between international and world society. My interest in this issue was as a case study of World Society's interaction with the state system and international society. Having an interest in the crux between theory and policy within the English School of international relations I took this approach because as stated by Barry Buzan:

For now, and for some decades to come, the interesting question is about how the state and non-state worlds do and will interact with each other. What makes this question interesting is more than just shifts in the distribution of power, or immediate relevance to real world events. On top of these is the deep and excruciating tension between the state and non-state worlds. In some ways, they are deeply antagonistic, both in concept and in practice. In other ways, they are deeply interdependent, again both in concept and in practice. (Buzan 2004: 88)

With the question of how we might further develop thinking about world society as a concept and clarify it within the analytical framework of English School theory as a whole in mind I sought to create a framework to provide insight.

To do this I first distinguished three theoretical points behind the policy level human rights debate. These were: Moral Agency, Order and Justice, and the Basis of Rights. I predicted that actors from the two groups of analysis would generally respond to these underlying questions with certain trends that would take the form of a family tree of ideas. On the question of Moral Agency I thought those within the policy community would tend towards skepticism of the assignment of corporate moral agency and those in the NGO community would tend towards constitutive agency or agency-of-last-resort. On the question of Order and Justice I predicted that policy makers would stress order over justice while those within the NGO community would suggest parity between the two. Finally on the idea of what basis rights lie upon I predicted that: policy makers would seek grounding for rights while the NGO actors would cite a plurality of grounds or be more eager to work around the question. The answer that subjects would have about these

points would help to map a family tree of sorts between the actors. The point was not to resolve the disputes but to map the fault lines within them. These three levels of analysis provided three different lenses through which to view these deeper-seated problems of understanding the interaction between world and international societies.

To do the research I focused upon finding subjects within each community that would participate in a face-to-face interview to answer a series of short answer questions. The questions were tailored to the competencies of each subject as a means of putting them in a more comfortable state and thereby more willing to reveal some of the reasoning behind their answers. As the point was to draw out these underlying points the policy focus of each interview was not the primary concern. These interviews were then correlated with the public statements, releases, and documents on a couple of particular issues: arms control and the use of torture in the “War on Terror” for instance. The analysis of first hand accounts, as well as primary documents, provides the backdrop upon which to identify some trends.

The research sought mostly to assess whether the framework of analysis set forth on these issues held true, whether the subjects behaved as predicted showing a clear divide between actors in international and world society. This is an important distinction to make, as the concept of world society especially is contested in its usefulness to the overall project of English School theory. Little suggests that:

Members of the school are divided on the significance of what they call world society for the existence of international society, with some arguing that an element of world society has to have emerged if a stable society of states is going to exist. Other are less certain.

But there is considerable ambiguity surrounding the issue. (Little 2003: 450)

So the first step of the research was to test the validity of this concept so that we might see if this is a key to creating that stable overall society.

The basic structure of the English School's three pillars was a basis for this work however it is some have suggested that the concept of the three pillars was a wrong turn for the English School of international relations:

...one of the reasons why these questions remain unanswered is that the ES took a wrong turn when they made a distinction between international society, international system and world society. The problems with thinking about institutional variation in this way is that it ends up placing violence and competition in the 'system' category, and transnational forces in the world society category. This serves to elide the manner in which international society is constituted by competition, sometimes referred to as systemic forces, as well as by cooperation, just as states have evolved cosmopolitan notions of duty such as universal human rights. To grasp these dynamics we need to think about variations *within* international society rather than to cling on to a narrow and restrictive notion of international society as an 'in-between', i.e. that which is not part of the international system or part of the world society." (Buzan and Little 2001: 70)

However the first two parts of my research sketched out evidence that this division at least on the international society vs. world society axis is in some ways valid and in some ways useful. We saw some trends that showed distinct ways of thinking between actors situated within these two groups, though it did not carry through all branches of the family tree as predicted. Further discussion though clarified this failure within the

framework while maintaining the validity to the concepts from the first two points of the analysis.

After conducting the research I came to the conclusion that on the first two points of the framework: moral agency, and order and justice, the framework had fairly accurate predictions of the faults between the groups. They showed some validity to the idea that these actors fit into a divide between international and world societies. What complicated things was that on the final point, the basis of rights, I found that both groups seemed to subscribe to the idea of an ungrounded basis of rights based upon language. This then meant that my overall predictions were inaccurate and opened up a new set of questions to which I had partial answers and needed to be addressed to move forward in the overall goal of exploring the divide between international and world society.

I had stated from the outset in designing my methods that the framework was meant to be flexible and adaptable, that the type of sociological methods I sought to use allowed this as the investigation would need to adapt to the changing nature of the inquiry as it progressed (Page 47 citing Patton 1990: 113), in hindsight flexibility was indeed what would be called for. To adapt my framework and further meet the challenge posed by Buzan and Little that the triad of concept was more problem than useful I sought to further engage with the world society concept to both further develop English School theory in particular and international relations as a whole.

The form that this adaptation took was the realization that part of the failing of my initial framework questions had been they were focused on the wrong divide on the question of the basis of rights in seeking to locate them into family trees that were deontological vs. consequentialist. The form the debate actually takes was one based on a



discourse philosophy in which rights are seen as constructs that were premises in the debate between these two actors. So to explore how this debate was unfolding I suggested that the failing of my initial setup was a failure to fully account for the complexity within the individual spheres of NGOs and Policymakers much less the wider concept of world society. To move forward I suggested that with what little other data I had I might be able to shed some light on this internal complexity within one subsphere of world society and to thereby help add analytical clarity to the concepts and assess how further research in the area might be better conceived.

To do this I first sought to better explore the complexities found through the study in each of the individual groups of this project. I set out to illustrate in what ways we can see internal complexities between the larger groupings of policymakers and non-governmental actors. I suggested that there were several structural differences between the two that in many ways helped to show why we see such radically different outcomes for each group. At the same time that the internal complexities were better illustrated it was important to note a further complication of the study of these two groups: their numerous similarities. Internally each shows a high level of differentiation and factionalism as well as complex structures. In addition, culturally there are similarities with actors: both coming from similar backgrounds and often switching between one sphere and the other. However these similarities make the divergent outcomes all the more interesting and serve to highlight those differences that do lead to two different sets of behavior

This brought me to a new engagement with more sociological literature on the subject and the formulation of a new set of questions about the discursive theory

underlying the moral claims of these actors. The first was a question about the placement of NGOs within the framework of English School theory. I argued that while there are differences between Human Rights NGOs they generally fit within three categories. The first was service provision, providing research and monitoring services that for the most part benefit western powers; a second as providing a space for deliberation between citizens rather than officials; and a third as an anti-state check upon such western governments, which I argued was smaller and more limited than most advocates of global civil society would have us believe. I illustrated ways in which many groups claim the history of being social movements while their operations suggest a conception that fits better with a non-state understanding. I further argued that these three categories fit with the distinctions in English School literature between the three understandings of world society as Kantian, Grotian, or Hobbesian in nature. This provided an avenue where English School thinking could provide some outward traffic for other fields.

In defining this difference I suggested that redefining these three groups as such and not part of a single Global Civil Society would provide greater analytical clarity. The next question arose, about the relationship between society and democracy. My analysis showed that there are legitimate questions to be asked about the accountability of these organizations, as well as questions raised by their often-complimentary relationship with their governmental counterparts. Both from the perspective of activists and policymakers the close relationship between actors in both groups raises a number of largely unexplored issues. There is also the related problem of whether the proliferation of these organizations and their increasing specialization raise problems for the deliberative process. It is these questions that I seek to go into in more depth in continuing this

research, which I will outline below. My goal is to formulate ways in which new research could be formulated to better address this question as my limited design has only begun to open up the inquiry and stretches its bounds in having taken the question this far.

### ***Liberalism without democracy: Archein sine Prattein***

While the early part of my research focused on mapping the underlying currents of the interaction between international and world society and provided evidence of their validity the failure to accurately account for the interaction on the question of the basis of rights forced me to take a better look at how the debate is formulated and how the underlying structure of world society actors was dictating this course. The main unresolved issue that is raised through this research is that while NGOs perform some important functions within political discussion, providing research and providing space for a public deliberation on non-domestic issues, does this reach a critical mass? At some point the discussion must end and a decision must be made, “Political action is speech, but it is also decision. And decision implies closure of debate. Decision also implies implementation.” (Axtmann 2006: 111) However within the reality of Global Civil Society there is no implementation. This then may be a further problem of the lack of democracy within this sphere.

Decision-making may be a necessary ingredient of deliberation. Aside from lacking accountability or having obscured or complicated accountability at best, the other important factor within a democracy is taking a vote and making a decision. Towards this point actors within the discourse have direct incentives to build coalitions and make

bargains; however within the NGO community this structure is turned on its head. Rather than building coalitions we see that NGOs instead fracture and proliferate at disagreements. We can compare this to the policymaking sphere where we similarly see a complex and differentiated structure of many agencies and agents with often-opposing policy views. However we see in place in government more permanent structures as well as a need for outcomes. In the NGO sphere we see instead this proliferation pushing them further from each other to the point where rather than the number of NGOs showing their increasing importance within the policy-making sphere, they could be drowning each other out in the cacophony.

I don't mean to overstate this and suggest it is only a problem within the world society sphere, but it is certainly the location where there seems little concern for the problem, much less an identification of it as one. The possibility is identified in the idea that Global Civil Society may represent the elements of a Global Cosmopolitan Democracy, "We agree that some new deliberative forums may be necessary to address global issues, but we also take seriously the concern that multiplying decision-making authorities tends to undermine democratic accountability." (Gutman and Thompson 2004: 62) Within theory this is not unexplored territory, "A fundamental problem confronting all democratic theorists is to find morally justifiable ways of making binding collective decisions in the face of continuing moral conflict." (Gutman and Thompson 2004: 125) Within the English School itself, Mayall illustrates the complexity of this problem:

When citizens aspire to rule the state on their own behalf – and this is what the doctrine of popular sovereignty implies – they must develop procedures for expressing their

corporate personality and resolving conflicts between their individual interests and a putative national interest. (Mayall 2000: 30)

The organization to put forth this collective will often creates internal conflict and it is the structures we design to deal with that conflict that will determine whether the outcome of that conflict is positive or negative. When we compare the governmental and non-governmental spheres we can see how these two different structures create different incentive structures for the actors within them and thereby get different behavior from them. In the non-governmental sector the incentive is to keep the debate going until you get what you want, while in the governmental sector it is to make a decision.

Indeed when we can see how the inclusion of actual decision-making in the policymaking sphere leads to the key differences. Because policymakers must eventually coalesce around a decision in some form their structures are adapted to allow for a level of deliberation while at the end of the day forcing a decision. The various turfs within and between bureaucracies eventually have a head that will take the internal deliberations on to the next level up the chain. At some point the decision will reach the floor of the legislature or the desk of the executive, which must then come down with some form of action on the issue. Someone will eventually call the previous question or will have to sign an order. Failure to do so will have consequences on a number of levels but ultimately will result in being thrown out by the voters.

On the other hand NGOs are structured to prolong deliberation, in the case of Amnesty for instance the bulk of their resources are dedicated to research, and their ultimate ends are represented in their campaigning functions. While there may be a debate over what to campaign about in a given year, and those decisions might result in

more or less funds being raised or members being added to the mailing lists there is not the same need to frequently take decisive action on outward policy. Furthermore starting a new similar organization that then represents the different view one was unable to get across can follow up the ultimate result, being thrown out of the organization or having to leave it.

Comparing the two groups, while we can say that in both the policymaking and non-governmental spheres we see complex structures of decision making and a variety of opinions internally, it is decision making that turns this into a strength for the policymakers and a weakness for those in the non-governmental group. Because governments provide structures whereby deliberations are forced to have resolution we see a larger amount of stability over time despite frequent wholesale changes in political ideology of the leadership. On the other hand because non-governmental structures do not force decisions we see that the fractious nature leads to division, atomization, and instability.

Arendt's thinking provides an insight into why there is this breakdown. Hannah Arendt in the *Human Condition* identified the division in Plato's *Statesman* between *Archein* (literally "Beginning") and *Prattein* (literally "Achieving"), which could roughly be correlated to decision-making and implementation. She further identified these two functions as being the central elements of political action, the type of action which the social movements of old sought and the NGOs of today have fled from in preference for greater influence in political productivity. As illustrated earlier though, as the legitimacy of these groups is largely built around their claimed history as social movements or as

independent voices their collaboration with the state provides a tension that limits their capabilities and credibility on this front.

Speaking about the problem within the context of democratic theory Chris Brown paraphrases Ernest Gellner, “As he puts it, any culture is a systematic prejudgment; the miracle of civil society is that, for once, and in exceptional circumstances, the prejudgment was made milder and flexible, and yet order was maintained.” (Brown 1999: 122-123) These milder ends though are at the root of the problem. By and large because of their “softer” ends the global civil society sector is not put under critical analysis or tight scrutiny. They are viewed as at worst harmless, however if we value the same ends we must put them up to scrutiny to determine if they actual represent a means to those goals or whether they actually could be hindering real progress.

Gellner provides another insight into what may be at the root of this tension. He suggests that what we may be seeing is a problem whereby a pluralist society is conflated with a civil one. As he suggested, “Nevertheless, a proper understanding of what the ideal of Civil Society really means *now* must distinguish it from an implicit identification with any and every plural society, within which well-established institutions counterbalance the state.” (Gellner 1994: 9; emphasis his) He further suggests that much of the problem may be with how we conceive of the individual in society:

Much contemporary social theory takes it for granted in an almost comical manner: it simply starts out with the assumption of an unconstrained and secular individual, unhampered by social or theological bonds, freely choosing his aims, and reaching some agreement concerning social order with his fellows. In this manner, Civil Society is simply presupposed as some kind of inherent attribute of the human condition! It is the

corollary of a certain vision of man. It is a naïve universalization of one rather fortunate kind of man... (Gellner 1994: 13)

This taking for granted is compounded as we extrapolate from western domestic civil society to a potential global civil society, where it should be held in an even greater level of derision, whether this same order can said to be maintained or whether looked at as part of a larger trend it is in danger of just the opposite.

While there is much consideration given to the idea of liberal democracies, what we see here is questions about what happens when you have one without the other. While there has been some thought given to Illiberal or Muslim democracies (Zakaria 2007) and consideration of whether the two, liberalism and democracy, can exist separately in those terms what we see here is that the liberal democratic sphere of policymakers has difficulty in interacting with the non-governmental actors because they represent undemocratic liberalism. The question then is whether those concepts can stand alone at all and in this formulation specifically. At some point liberalism needs democracy to bring things to a head and force a decision perhaps.

Axtmann suggests the delineation between individual action and when that action takes the form of working within a group within global civil society. He writes that:

Global goals such as the protection of human rights, peace, the reduction of poverty or caring for the environment, and action such as working for Oxfam, joining an Amnesty International letter-writing campaign or standing in a vigil for peace at a time of war, may serve as examples of political and ethical exercise of this kind of 'global citizenship' on the basis of the acceptance of the claim that there exists some kind of global moral



community is not necessarily premised on the development of new global democratic institutions, but it gains in import and impact if and when embedded in the institutions of a 'global civil society'. (Axtmann 2006: 95)

It would seem here that Axtmann suggest that the theory of a Global Civil Society should be questioned on the grounds that as a construct we need to figure out whether it is a useful construct for getting us to a world we wish to see or whether instead it hampers that movement, if it instead represents a shortcut that takes us the long way round. In addition it seems worth asking whether the goals of a Global Civil Society maintain coherence if they are carried over to a new level where there is no democratic decision making to lend them such coherence.

The lack of public accountability within this sphere is vital to our understanding of what is going on within world society. If we are to add greater clarity to the concept of world society we must understand what it is that drives the actors within it and how they can be held to account. While this may sound overly paranoid if we do not concentrate on establishing clear lines of accountability we invite corruption no matter how noble the intent of such institutions and at the least will set poor precedents of concentrating a large amount of moral and material power into a sector of humanity without knowing with whom the buck stops.

Arendt's thinking again provides a useful set of concept for understanding what exactly is the breakdown within this subset of world society. It is a breakdown and confusion of one level of political activity for another. This parallels the tensions within these groups explored in the previous chapter and takes us some way towards an explanation of why this breakdown occurs. There is deliberation and bargaining that is

necessary for a group to function but when there are seemingly limitless opportunities for group members to leave and form yet another group then there is an atomization problem. Instead we should focus groups more towards resolution of their internal struggle so that a decision might be made. In a democratic framework this could happen but in the anarchic internal structure of these organizations there is not enough incentive to compromise and to work through problems. Instead of co-opting and mitigating more radical ideas within the group they are split away and allowed to become even more radical.

The problem this presents is that it means that the necessity that actors in this realm feel for genuine deliberation with an eye towards empathy and compromise with the other side in order to resolve problems is instead substituted with an urge for confrontation and non-compliance. In some forms this is necessary when there is a particularly abrasive policy that one needs to confront. The danger for many of these groups is when that need for confrontation is seen as an end itself and not merely one of a number of methods to be employed towards larger ends.

### ***Is it deliberation: resolution or retaliation?***

Exploring the role of accountability leads to another question; whether this possibly unsustainable increase in deliberation can truly be characterized as genuine deliberation at all? By genuine deliberation I mean does it fulfill two criteria that are commonly pointed to as characterizing deliberation as distinct from discussion. The first is the equality of the actors within the discussion: "...for Arendt it was the experience of

conviviality with one's peers under the condition of political equality that grounded politics as the activity of conducting the affairs of a community by means of speech in the public arena." (Axtmann 2006: 96) The second major criteria I would point to would be whether it is a disagreement of the interpretation of agreed upon underlying facts (Gutman and Thompson 2004). While this is a question interrelated to the questions of previous chapters I think it is distinctive enough that it warrants its own investigation.

The intractability of some activists within a conceptually unsound position creates other problems. The main idea that this question gets at is if the discussion is one that is resolved by conciliation between the differing positions, or the ascendancy of one over the other. This seems to be an underlying question of many criticisms of NGOs such as the common one of cultural imperialism and related criticisms. For instance that:

Even judged in its own terms, the international human rights regime has not been very effective, and this is at least partly because of the blithe unwillingness of some activists to recognise that there are philosophical and cultural problems associated with their position. (Brown 1999: 121)

As well as the older point that questions the apparent neutrality of Amnesty International:

This appearance of political neutrality, however, may not be reality. There is, first, the argument that Amnesty is in fact dogmatically confined to Western liberal principles in its attachment, for example, to individual liberty above any group value. (Vincent 1986: 102)

This is not just a reformulation of these criticisms but a deeper question altogether of whether the point of activism is to truly seek a truth or whether it is to evangelize for a particular belief set, which is not to say that is limited to just one side of the argument. This calls into question the basic premise of this entire study because if the goal of neither side of the argument is to seek a truth but to impose a belief then the question of reconciling the argument is perhaps moot. We were led to this question by the failed prediction of the question of the basis of rights showed that the underlying conception of both sides of the argument on this most fundamental question was an understanding of rights as discourse. The truth may be that we would need to see both the consolidation between and ascendancy of one over the other views on different questions to have a successful resolution between the two groups. As we drive actors toward decision-making we will see that sometimes the decision is made by destruction of the opposing view, sometimes by co-opting it, and sometimes by agreeing upon a third resolution or mixture of the two.

Many activists advocate rights as means rather than byproducts, even when this relationship is not clear. There are further criticisms that this question may shed some light on. Perhaps this emphasis on rights is both particularly western but also essentially western, they do not make sense outside of the context of that society. Brown suggests that:

Societies in which human rights are respected are more civilized and secure than societies in which they are not, but rights are a symptom of this civilization and security, not a cause. To overemphasize rights in isolation from their social context is counter-productive, potentially undermining the very factors which create the context in which

rights are respected. It follows from this analysis...that the international regime which attempts on a global scale to promote decontextualised human rights is engaging in a near-impossible task. (Brown 1999: 120-121)

This seems to parallel Gellner's suggestion that there is a fundamental misunderstanding going on in which our concepts of state and society and the goals of individuals in those contexts do not carry over to other cultures.

John Williams suggest that there may be more limited goals for a stable society than the codification of a broad range of rights that most activists seek, he suggests that, "It emerges out of the need present in all societies to establish arrangements that promote the attainment of the trinity of limited violence, confidence in agreement and stable possession." (Williams 2006: 18) Rooting this thought in a similar method to Shue as a cultural minimum but setting the threshold for shared values even lower. These more limited aims are more grounded in a western tradition and as such might be questionable in their universality, however they illustrate the concept that there could instead be a reengagement with a different set of goals, with rights as a byproduct of those more important structures.

These ideas that rights are not the goals, they are the byproduct of more fundamental goals then turns the question on its head, not only are rights potentially not a deliberation, even if it were, could the consensus of that deliberation be made to work in the wider context?

### ***GCS within the wider context of discontents: Reform or Revolution***

Perhaps to understand these questions on the deliberation and to assess it, what's needed is to widen the context of the debate. This study focused on a few particular actors in a specific context: policymakers and NGO activists based mainly in the West and their debate on human rights issues. Perhaps what's needed to understand the deliberation is bringing in more actors that participate in it; that is other World Society actors. While I have gone some way to suggesting ways that we could clarify our understanding of the world society pillar, this cleanup job needs to be taken further, to other actors that have been lumped into this group.

A look at action as deliberation could help broaden the discussion in useful ways. This could be furthered by widening the context of the 'deliberation' to not just explicit arguments made on issues, but other concerns and actions, which have an impact on that discussion. The next step in exploring these questions is two-fold then. First an increased scrutiny of the actors focused upon here, to continue to fill in the gaps of this study, but also a broadening of the work to bring other actors into the picture. This small bit of the world society's muddy bottom having been looked at, it is worth putting more bits from that muddy bottom onto the same slide to see how they all interact.

We should increase our analysis of the divide by inviting in some more actors. I have begun to explore NGOs within the wider context of a Global Civil Society, but it also is the beginnings of an exploration of the wider sector of World Society, as defined in the previous chapter. This is partially a theoretical exercise within English School thought, going on the belief that; "the development of an anti-globalisation global civil

society is rich with contradiction, and highly instructive for any attempt to understand the English school's concept of world society.” (Buzan 2004: 82) Aside from the theoretical exercise there is also important policy implications as it is World Society actors of all stripes, “naughty and nice” as Buzan would say, that are proving to be increasingly important as both possibilities and challenges to the current world order and as such deserve greater attention than just collating how many of such actors are currently active within the world. By increasing the dimensions of the study to cover this larger segment of world society we could increase the understanding of the original actors looked at also, by placing them in a broader context.

The present study can be seen to focus largely on these nicer elements of World Society, but future work would need to look at the nastier ones. While within this study I am critical of whether Global Civil Society effectively accomplishes both the goals ascribed to it by its proponents or even the more limited goals of organizations themselves, it is doubtful that their efforts are ultimately harmful. It can however be seen to raise serious criticisms about the current world order, milder reforms which could have important implications for reforming the world order in a peaceable fashion.

Sen suggests that we need to ask serious questions about globalization and anti-globalization movements if we are to understand what value they can be. “Since democracy is primarily about public reasoning, the debates generated by these ‘global doubts’ can be seen as elementary but possibly important contributions toward practicing some form of (necessarily primitive) global democracy.” (Sen 2006: 122) He further suggests that, “Raising serious questions about globalization and the nature of the global economy can make a constructive dialectical contribution even when there is room for

much skepticism about the particular slogans that are used, especially by youthful and boisterous protesters.” (Sen 2006: 122)

We need to assess the good of world society actors so that we can turn the energies of these movements into positive developments rather than negative ones. It is precisely this space for discontent to those who feel they are left out of the process that Arendt suggested the American founders were seeking to achieve so that they might be mitigated rather than leading to terror:

Jefferson...had at least a foreboding of how dangerous it might be to allow the people a share in public power without providing them at the same time with more public space than the ballot box and with more opportunity to make their voices heard in public than Election Day. What he perceived to be the mortal danger to the republic was that the Constitution had given all power to the citizens, without giving them the opportunity of *being* republicans and of *acting* as citizens. In other words, the danger was that all power had been given to the people in their private capacity and that there was no space established for them in their capacity of being citizens. (Arendt 1990: 253)

This question though is more complicated when those “citizens” are global ones.

Barber suggests that it is precisely this wayward energy on the global level that terrorists have sought to exploit. Sen’s sentiment is echoed a bit more urgently by Barber, who suggests that:

If democracy is to be the instrument by which the world avoids the stark choice between the sterile cultural monism of McWorld and the raging cultural fundamentalism of Jihad,



neither of which services diversity or civic liberty, the US, the UK and their allies will have to open a crucial second civic and democratic front aimed not against terrorism *per se* but against the anarchism and social chaos – the economic reductionism and its commercializing homogeneity – that have created the climate of despair and hopelessness which terrorism has so effectively exploited. (Barber 2002: 246)

It is such a failure to combat social chaos that we currently see. It is hoped that by a clearer analytical understanding of the world society sector of some much-needed criticism of even seemingly harmless actors within it that we can hope to mitigate it.

We need greater space for deliberation as we have an increasingly educated segment of the population asking questions. Providing even more pressure on this are historical forces that exacerbate the need for greater space for deliberation:

Starting from the industrial revolution, it has served the interest of both state and capital to have better-educated, healthier and wealthier citizens and workers. Only by improving the capacities of their citizens/workers could the state increase its power and capital increase its returns. But as more and more individuals have become more capable, they have become less subservient to authority, more willing to define their own agendas, and more able to create their own nodes and networks in pursuit of those agendas. This development underpinned the flowering Western democracy during the twentieth century, and has a certain teleological force. The question is not only the happy liberal one of what happens if democratizing and decentralising forces begin seriously to transcend the state, but also, post 11 September the darker Hobbesian one of what happens if ‘powerful people’ express themselves by organizing crime and pursuing extremist agendas? (Buzan 2004: 83)

This sounds contradictory to the first section of this chapter in which I suggested that too much deliberation could be a problem, however the problem was deliberation without a combined execution of decisions. Space must be made for both to effectively alleviate these pressures, without relief they spill over into the nastier elements we now see. We might also look to allowing more people a stake in the decision-making process. It also feeds into the question in the second section, perhaps the problem is not too much deliberation, but that what we are calling deliberation is not really deliberation as such. We need to look at ways to bring in more genuine deliberation and to understand that losing a battle is not always reason to take our toys and go form a new club, or worse to set bombs amongst those that did win the argument or shut you out of it. By widening the lens we add more context to the interaction between our original actors, which may shed more light on this question.

The true solution, Arendt would suggest would be giving people access to acts of power to keep them from turning to desperate acts of violence as their substitution. This is what I mean by widening our definition of the ‘deliberation’ to be studied. Not just in the formal policy arena but also in bringing in those that are cut out from it. We must look to form new structures, be they within world society or international society whereby we can more effectively get to the “grassroots” of society and allow more people to feel they have a genuine stake in the world order. Quixotically this is precisely the goal of many NGOs and yet there is still a failure here to bring in these voices and to allow them to feel that they are truly part of the process as I have outline above. The question of whether these NGOs represent a step down the path towards bringing more

people into a real decision making process or whether they represent only an illusion of doing so that allows those that have power to continue holding it so tightly.

The danger present within world society actors to turn to violent movements rather than peaceful ones brings us back to the underlying question of this study. By adding greater understanding to the concept of world society we can illustrate ways in which we can make it function towards positive ends. The lack of understanding of what is happening within this sphere otherwise is not only a missed opportunity to mobilize people towards positive ends but also a danger to peaceful society. We can also add to our understanding of what international society actors could do in their interaction with world society to better mitigate this danger. If we are to truly create new structures of governance that bring more people into the decision-making fold then it will probably be through a combination of changes in both international and world society.

The point I seek to make though is to establish that there is a need to analyze these other actors in a political world society framework similar to the one used in this study, rather than strictly as an economic, cultural, or security problem. While finding subjects from these nastier elements of world society may be slightly more difficult logistically for an academic study than those within the NGO and policy making communities there are still other similar methods and frameworks that can be used. At its core there is a political problem, and while including more people in the deliberation as well as implementation may not solve violence, it is at least a realistic hope of how we might do so. And analyzing it as such is the start.

If we can develop a more robust account of world society actors and how they can function we can understand ways that they can be employed to engage wider segments of

the world population into a genuine deliberation. In doing so we could alleviate the alienation that many feel from the system and find ways to improve it so that both more people have a stake in the system and fewer will feel a need to overthrow the system. This is not to suggest that the system is necessarily worth saving for its own sake or that it is perfect. It is instead to suggest that we should seek more moderate methods to reform the system before moderate methods are taken away from us. In a way we might say that in seeking these reforms we would be seeking to create the system that is worth saving. If a system is set up such that there is no need for violent revolution and there is still individual freedom then it is perhaps a system that we could say is worth saving. It is suggested that it would be better to diagnose the small problems early and prevent them, rather than waiting for those problems to become more obvious but also more unmanageable.

### ***Can we be civil?***

This study has looked specifically at the deliberation between policy-makers and actors within non-governmental organizations on human rights issues as a way to explore the nature of world society and its relation to international society. The premise was that these two sets of actors represent actors from each of these pillars. Beginning by looking at the simple problem of repetitive arguments on a variety of human rights issues it has sought to probe further in order to understand the underlying structures behind these arguments and the internal structures of each of these pillars as a way of explaining their intractability.

The initial framework focused on the human rights discussion with the backdrop of order and justice, moral agency, and the basis of rights being the levels of analysis of that argument. By first looking at three specific underlying factors; moral agency, order and justice, and the basis of rights it has begun to peel away a few of the layers that make this area of international relations so underdeveloped and sought to increase understanding without cutting out vital components of the question in the hopes of making it simpler. It was predicted that these actors would follow two separate family trees, which would illustrate the validity of the conceptual division. The goal has not been to simplify and model the behavior of these actors but to attempt to understand how they behave *in situ* and how they understand their interactions with each other. This has meant that a great deal of understanding has been needed to understand the context, and the question has been limited in this first step.

After conducting research into these underlying factors some interesting patterns, both expected and not were uncovered. While on the first two factors: order and justice, and moral agency the subjects behaved largely as expected on the third, basis of rights, they did not. It was on those elements that things did not go as expected that the more interesting conclusions could be worked towards. The underlying argument on rights being based on a philosophy of discourse then turned the focus on further exploration on what the structure of certain actors within world society in particular NGOs, and comparing them to the structure of international society actors, meant for this discourse and how that could be better understood. While this was partially anticipated in the original predictions the fact that both sides of the argument would engage with a discourse philosophy basis for rights and its implications were not fully appreciated.

The fact that the two sides in this study did not represent a divide between deontological and teleological rights led to a reassessment of the research design. The decision was made to re-engage with how the internal complexities of both sets of actors affected their behavior to try to reassess the underlying interaction of the two groups. The previous two questions had shown some evidence for the validity of the separate concepts so the final question suggested a need to better engage with what was going on in world society to try to figure out why discourse philosophy was so pervasive for both sets of actors. The framework had gone part of the way to addressing the validity of the three-pillar structure of the English School in that in some ways the actors studied behaved as predicted if such a divide were to exist. However the failure of the third aspect of the framework to account for the divide properly lead to a reformulation of the lesser understood of the two analytical concepts: to take a deeper look at world society actors.

One key point that emerged from the reanalysis of their complexities was the distinction between decision-making within each group and the effect that had on their deliberation. While both groups had complex structures of interaction we can see how governmental structure forces policymakers to make decisions and guarantees a greater level of stability, turning this complexity into a strength. In the non-governmental sector the lack of decision-making meant that they did not have to engage in truly deliberative actions, which lead their differentiated nature into creating a proliferation of new organizations with deeper divides, making them less cohesive and less effective in their overall goals.

Through this analysis of the complex internal structure and what that meant for their interactions a new set of questions came up which had not been anticipated in the

initial design, but for which partial answers were given. These were structural questions about global civil society as part of the broader pillar of world society. An important early conclusion was that better analytical clarity was needed on the question of global civil society. I suggest that it is analytically best understood in three parts. In the first positive sense understood as part of World Society, a category defined by being part of the non-state sphere. The next level would be a distinction between the normative goals of differing parts of Global Civil Society. For those normatively anti-state a distinction as being social movements and those normatively non-state maintaining a distinction as being Global Civil Society. I suggested that this paralleled the distinction made within English School theory and that this could provide an avenue where English School theory provides some clarity to an outside field rather than always borrowing from them. While there seems to be an awareness in the Global Civil Society literature of the problem of these competing conceptions there does not seem to have been an effort to break them apart analytically to provide for greater clarity. This is a point where the already existing conceptions within English School theory could be helpful.

For the first category of those actors which were normatively anti-state I think that they could be better understood as distinct from the rest of global civil society and would better fit as being designated social movements. This will add greater rigor to analysis and go some way to illustrate the underlying tension that can limit the effectiveness of many of these organizations. This conception for global civil society directly parallels the Kantian conception of world society present in English School literature. (Vincent 1986: 123; Buzan 2004: 6-12) And represents the first point where English School theory can inform the analysis. The language of the social movement both

captures their nature as being a form of collective action and also focuses them upon political action, which are the two defining qualities.

The second category is one of the non-state conceptions that holds civil society actors as being placeholders for deliberation. This parallels the egg-box or Grotian conception present in English School literature (Vincent 1986: 123; Buzan 2004: 6-12). In this space the world society functions as an in-between where citizens of different states can act together without the need to go through their state officials. It provides a coordinating outlet for the tensions present in the other pillars of English School theory. These are normatively not descriptively non-state. As part of non-state global civil society they are kept distinct from the other motivations and goals of other understandings of global civil society actors.

The third category is the idea of global civil society actors as normatively agents of the state. This may take the form of the examples given in this work of them as research support or as watchdogs for the values of particular states. This parallels the Hobbesian conception of world society from English School theory (Vincent 1986: 123; Buzan 2004: 6-12). This can be seen as either a positive or negative role for these groups. This could be formulated cynically as having been manipulated by the state and unaware of this orientation or positively in the case where these groups can act as watch dogs for such values as human rights. However they are understood I suggest that they would still be better served under Global Civil Society writing as being explicitly distinct from the other two conceptions.

I have sought in this work not to advocate that one of these three understandings should predominate in world society but to suggest that we understand that there is



evidence that all three of these understanding are at work with current world society actors even in the limited subgroup of Non-Governmental Organizations. While I think that evidence suggests that in the way they function most Non-governmental organizations conform to the non-state understandings of world society actors they often claim ties to a history as the anti-state formulation and often actors within these groups claim that as an almost spiritual heritage and seem to advance an activist spirit even while they try to get meetings with member of government. My point is not to suggest that they are sellouts but that this underlying tension or misconception limits their effectiveness. Furthermore I think this confusion leads to a crowding out of genuinely anti-state groups, as stated I feel that all three understandings have a role to play within the world order but I think that a stronger and more vibrant sector of social movements is lacking in the current system because of its confusion with the non-state civil society actors.

We need to test whether these actors are truly best understood as a civil society or just a plural one. This analytical confusion was only the first conclusion reached through this work. The next was the normative counterpart to this analytical distinction: do these groups represent a civil society or merely a plural society? Do they work towards the development of norms or are they simply mass-producing new and increasingly diverse mores? While this is not necessarily a problem the implication is that at some point the proliferation of these groups rather than increasing the influence of their shared goals, undermines them, as they are seen as increasingly atomized and radical.

If this is the case we can say that the normative hope for world society as the sphere through which we can mitigate the tension of the other two pillars is in doubt. World society should be functioning as a release valve but because of the confusion

within it and the lack of attention paid to rigorous analysis of the actors within it this release is more and more likely to not work as peaceably as we might like

While this is increasing the space in which debate is occurring, the question becomes whether that space is one in which increasing parts of the public want to participate, particularly those publics which are cut out of the process in their own countries. The concern is that to truly represent a civil society particularly a global one it is necessary for these actors to be engaging with the polity they seek to represent rather than simply engaging in elite level debate. One of the limitations of this study in further exploring this question further was the orientation towards the analysis of elites in both international and world society. While this is an important focus and one way of understanding English School theory, more focus would need to be paid in the future towards how these elites interact downwards to polities rather than just across to each other.

How world society is engaging with a world community is a critical question as we look towards many of the tensions present in the current system. If these groups are not analyzed and restructured to allow for greater inclusion of the wants and needs of the many cut out of the other two systems then those people will turn to other aspects of world society that are less “nice.” This should be a major policy concern for while we may suggest that the pattern that policy makers and activist engage in is repetitive it is at the least non-violent. The focus should be on engaging as many people into this debate in a genuine fashion in order to turn them away from means other than this pattern. Part of this will be to make the debate more meaningful, part of it will be a critical reassessment

of the structures within world society groups that are making it difficult for more people and more diverse people to actively join in.

Finally this study looked at ways that these questions could be further explored. It is suggested that by broadening the context in which the deliberation is occurring we can make a start of it. This broadening context can be on two main dimensions that I see. The first in terms of the number of actors studied and understood to be part of the deliberation, widening the lens to include a greater variety of actors from the World Society. This could include the study of more radical parts of the anti-globalization movement, which may better represent the legacy of the social movements of the late-soviet and early post-soviet era and their commitment to anti-politics. It could also mean looking at market actors on this level, such as transnational corporations and what influence they have on these issues and the give and take between both them and policy makers as well as with the Non-Governmental Organization sector.

Expanding research into these areas would present a new set of logistical difficulties. As reclusive as actors in the Non-Governmental Organization community may be they are generally much happier to talk about their work honestly and openly than those in these part of world society and are generally more organized and accessible as a whole. Attempting to expand the study in this direction then would be a fairly fundamental shift in method. This was the main reason that the current study was limited to the Non-Governmental Organization sphere of world society, as being the nicest elements it was the easiest place to start.

The second way of broadening the context is in terms of the understanding of deliberation to include both formal and non-formal forms of deliberations, as well as

other pressures on the deliberation. This would mean looking at the nastier elements of international relations, specifically explored here were how the problem of global terror fed into this question of deliberation in world society. I have suggested that the discontent that global terrorism represents could be understood as feeding upon the fact that so many are dispossessed from peaceable ways to address their grievances particularly on the global level. Further study would need to look both into the validity of this assumption and then to find ways to allow for more positive deliberation and broader access to deliberative methods.

Again expanding study in this direction would be an even greater challenge as these elements of world society are even more difficult to locate and contact much less study. Research in this area would be even more limited to secondary sources without a great deal of creativity.

Despite the difficulty present in expanding the research into these two areas I would suggest it is a worthwhile endeavor to understand the way that both world society function and the way that it could function better to mitigate the tensions in international relations that run the danger of turning violent. Finding ways to engage more people into a genuine deliberation about their future and the future of our world presents a workable course of action that does not require the violent overthrow of government and asks them to give little in return but an ear to those that have been cut out up to now.

Combined, the goal of broadening this type of study in this way seeks to further clarify the understanding of world society actors in English School theory and international relations. Both as a theoretical exercise and as a way to meet pressing challenges, world society presents us with some of the most challenging and at the same

time most pertinent complexities that the field faces. The goal of this study has been to illustrate how this type of work can be conducted, how it can be useful, and also why it needs to be done.

The original goal of mapping out the fault lines in the interaction between international and world society actors has been done to a degree. The results of this study have shown that this analytical framework can provide a useful set of tools for understanding world politics. I have also shown that as suggested within the English School tradition the relationship between the two is not mutually exclusive that actors can work in and belong to both spheres even if they lean more towards one than the other (Dower 2002: 39) They can be seen in the classical view as expanding spheres of membership.

Having had some success in this modest goal I would suggest that the tools developed here as part of an English School tradition have been shown to be well suited for broader application to more problems within the world society sphere. I would suggest that along with being an interesting theoretical exercise they could have a dramatic impact upon policy and a worthwhile normative affect on world politics.



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