Rethinking ‘ethical foreign policy’ and ‘ethical state agency’: the importance of social context for analysis

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Abstract

Most analyses of ethical foreign policy focus on state actors choosing – or not choosing – to adopt ethical foreign policies, usually overlooking the historical and social institutional features providing the context within which states can assume and employ ethical foreign policies. The purpose of this paper is to demonstrate the importance of including such contextual features into analysis of states as ethical actors in world politics. I argue that the social contexts within which state actors exist and thereby where decision-making processes on ethical foreign policy are embedded importantly inform us of not just why actors do things, but why they are capable of doing things in the first place. The argument is delivered in three parts. First, with reference to the issue of actor rationality, I argue that while rationalist accounts of ethical state agency can devise parsimonious normative programmes, they fail to grasp the important contextual elements of ethics. In order to flesh out this theoretical analysis, I draw on the contemporary example of the 2003 war in Iraq, which is used throughout the paper. Through a review of constructivist positions on the ethical state agency, the second part of the paper makes the case that social contexts importantly inform ethical state action because they, in part, constitute state identity and interests. Finally, I show why we must look beyond the normative international structure as materialised in the UN system to grasp what states may consider as the standards for ethical action in world politics. To better understand states as ethical agents in world politics, we should aim to explain how the hierarchical material structures between states also constrain and enable states in planning, implementing and justifying certain foreign policies as ‘ethical’.
Introduction

Since the 1990s, the notion of ‘ethical foreign policy’ has appeared on the foreign policy agendas of a number of states, especially including North American and European states, as well as Japan and Australia. Both foreign policy and international relations practitioners and analysts have interpreted the international promotion of universal human rights principles and the development of democratic institutions in states around the world as the ‘ethical’ dimension of these foreign policies.

While both Foreign Policy Analysis (FPA) and International Relations (IR) scholarship have delivered useful studies of ‘ethical foreign policies’, relatively little attention has been paid to the conceptual question of how state actors come to perceive of and promote these particular kinds of policies as ‘ethical’. Most analysis claims that ‘ethical foreign policies’ are something states ‘adopt’, as if ethical international policies are an option on the a la carte menu that states can either pick or ignore. Subsequently, most analyses of ethical foreign policy have focused on looking at state actors choosing – or not choosing – to adopt ethical foreign policies, usually overlooking the historical and social institutional features providing the context within which states assume and employ ethical foreign policies. In this paper, I focus on how the international dimension of such a context has been theorised as affecting states as ethical actors. In the final section of the paper, however, I will show how the domestic dimension of such context must be similarly taken into consideration. I argue in this paper that explanations for ethical state action should aim at understanding the contexts within which state actors exist and thereby where decision-making processes are embedded.

The paper starts from the premise that the issue of states adopting and implementing ethical foreign policy is both an empirical and a conceptual one. The empirical issues include what the ethical foreign policies are and how they are implemented. The conceptual questions are about what ethical interests states may have in international politics and how they come to act upon them. These concerns taken together amount to asking the question ‘how do we theorise states as ethical agents?’ I refer approaches that have addressed this question as theories of ethical state agency. In my view, in order to address the empirical questions about ethical foreign policy, we must explicitly address the conceptual convictions that any empirical analyses of foreign policy are based on, either explicitly, but mostly implicitly as in the case of ethical foreign policy.

Because there exist different theories of ethical state agency, including different ideas about what is, in fact, ‘ethical’ for states to do, it is important to note at the outset that there exists no exclusive list of concerns of ethical foreign policy. In other words, we must not take for granted that promoting democracy and human rights principles are the ethical thing to do for states, but should aim at understanding how states’ beliefs differ on how democracy and human rights should be promoted, as well as aim to grasp that states may also consider other foci as ethical foreign policy. Subsequently, the most important aim for the study of states as ethical actors in international politics is to understand why states come to conceive of and promote particular policies as ethical.
A theory of states as ethical actors in world politics needs to include an argument about what it is that is considered ‘ethical’; an argument about states as agents (of the ethical); and an argument about the way in which states fit into the order of the international realm – i.e. an argument about what ‘international order’ is for states.

In methodological terms, International Relations theory has two such accounts: a rationalist and a social constructivist one. Because all the above-mentioned elements are needed for a theory to understand states as ethical actors in world politics, analysis and theory-development on the question must critically engage with specific elements of each position. Aside to IR, issues of international acts of state agents have been discussed in FPA literature. In this paper I will show that particularly comparative studies of foreign policy in FPA seem a promising contribution to analysis of particular social contexts and ethical state agency.

The argument is delivered in three parts. The first part deals with the issue of actor rationality. Rationalist accounts of states as ethical actors have long been predominant in both IR and FPA analysis accounting for ethical foreign policy. Such accounts in IR have theorised the state as a unitary, intentional actor, capable of choosing between options in foreign policy. In this part of the paper, I will argue that while such accounts can devise parsimonious normative programmes, they are incapable of explaining how states come to perceive of and promote particular kinds of policies as ‘ethical’ in world politics, in part because they fail to grasp contextual elements of ethics. FPA analysis has questioned the idea of the state as a rational actor, but to an unsatisfying extent. In order to flesh out this theoretical analysis, I will draw on the contemporary example of the 2003 war in Iraq, which is used throughout the paper.

Through a review of constructivist positions on the ethical state agency, the second part of the paper makes the case that social contexts importantly inform ethical state action because they, in part, constitute state identity and interests. If states do not rationally know to follow ethical principles in world politics, such as respect for human rights and promotion of global democracy, then how do states know to interpret these principles as ‘ethical’? Constructivists have argued that international normative structures importantly constitute in part the notion of ‘ethical’ for states. Ethics for states are principles of right action that have been institutionalised in the course of world history.

The final part of the paper deals with what I conceive to be the ‘problem of the normative’ which underlies both the rationalist and constructivist accounts of state agency. The constructivists have convincingly made the case for the importance of understanding how the social context of state actors affects what they perceive to be ethical and what subsequent actions they take. Yet their understanding of international order is mostly ideational. I will argue that grasping how the normative international structure of sovereignty and non-intervention affects the ethical foreign policy of states is not enough, but that hierarchical material structures between states also constrain their capabilities to plan, implement and promote certain foreign policies as ethically justifiable. Taking a cue from FPA analysis, I will suggest why similar contextual analysis must extend to the domestic realm of politics, as to fully grasp the ways in which state actors come to conceive of and promote particular foreign policies as ethical.
Thereby, as I will conclude, a focus on merely the state actor cannot tell us much about how states come to be ethical actors or to implement ethical foreign policy, but any such analysis in IR and FPA must account for the international/domestic social context within which states act.

**Part 1: The issue of actor rationality**\(^1\)

The study of ethical state agency has mainly interested normative theorists in IR, whose foreign policy related output has been devising normative programmes that show how states could make world politics more ethical: for instance, ratify the International Criminal Court treaty; increase development aid spending et cetera. This first part of the paper explains the three-step theoretical move involving an idea of the ‘ethical’, a theory of state agency, and a notion of international order as found in rationalist accounts of ethical state agency in world politics.

Rationalist accounts of ethical state agency hold either explicitly or implicitly that states, more than any other actors in world politics, are capable of making the world more ethical. The assumption of states being capable of doing so is based on an intentionalist social ontology – the idea that agents, in this case state agents, control the social world around them, make the social structures around them (rather than are constrained by them or are mere properties, or ‘puppets’ of those structures). Importantly, rationalists do not conceive of social structures as constitutive properties of state actors, but claim that the identities and interests of states are exogenous to them, in other words we can objectively define what all states are like and what they are interested in. Rationalists often assume that states are like rational human individuals, to the extent that they can contemplate and choose between different courses of action – for example, they are able to choose right policies from the wrong ones.

Because states can be defined as similar kinds of universally capable actors, normative rationalists agree that states have ‘made’ international politics, and thus can make them better.\(^2\) The conception of the ‘better’ is also defined in a rationalist manner: the ‘better’ or the ‘ethical’ is objective to social life and social actors, ethics are not man-made, but man discovers what is ethical to do by the use of their inherent capability to reason.\(^3\) In this way, the state agent knows its interests entirely autonomously from the social contexts it inhabits.

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1 States have been thought of as rational actors in IR in many ways. The clearest example are the rational choice and game-theory models found in neo-realist and neo-liberal analysis. Rationalism is an epistemological direction however, and states have been conceptualised as rational actors in IR more broadly. Here I follow Andrew Linklater’s conceptualisation of the English School works as a rationalist tradition. See Linklater, Andrew. 2001 ‘Rationalism’ in Burchill, Scott (et al) (Eds.) *Theories of International Relations* (2nd Ed.). Basingstoke: Palgrave.

2 See Linklater, A. ‘Rationalism’.

We find elements of the rationalist position on ethical state agency explicitly and implicitly in a range of theoretical approaches to IR and FPA, including for instance Michael Doyle’s democratic peace theory. Yet it is the determinist progressivism of the classical liberal accounts like Doyle’s that separates such accounts from the mainstream rationalist positions on ethical state agency in IR and FPA, that hold that instead of there being a predefined course along which world politics will follow, making the world more ethical is a process states must engage in. Due to their capacity to reason, states can choose between courses of action – in other words, states have agency. This rationalist normative position in IR is usually grounded in the English School approaches to studying world politics.

For the normative rationalist accounts of ethical state agency, an English School understanding of the way world politics works is useful because English School theorists conceive of ‘international order’ as states managing “the security of the actors and the stability of the system”. For Hedley Bull, the contemporary, post-1945 international system is conceived to be an ‘international society’, one which, as Charles Jones paraphrases, developed from a system “into an international society as states responded to the increasing frequency and intensity of interactions by devising rules and institutions calculated to ensure order, to their mutual advantage.” Note that this is an explicitly juridical account of international order.

Two kinds of theories of ethical state agency can be found embedded in the English School tradition: a pluralist and a solidarist one. Both are based on a universal, objective ethic, the former argues states should promote democratic, egalitarian ethics in their societies, protected by outside intervention by the juridical principle of sovereignty; and the latter argues that the same should be promoted not only for citizens within states, but states should promote them together internationally, for the global community of mankind. As we can see, the English School positions are highly normative in their accounts of world politics.

Despite globalisation theories of the 1990s bringing up arguments for declining state capabilities, normative IR theorists, especially of the Kantian persuasion, have still found the English School framework useful for studying which international actors should bear the responsibility for bringing about justice in world politics. Asking the question, ‘can states be moral agents in world politics?’ the work of Toni Erskine has been important in theorising why collectivities, like the state, can be thought of as unitary ethical actors in world politics that can be praised or blamed for their acts and

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5 It is not argued here that the English School approaches disregard the importance of context when studying states as ethical actors, and ethical foreign policy. To the contrary – one of the defining features of English School approaches in IR is engagement with history. English School approaches are rationalist in the philosophical sense: historical and social context is not a constitutive feature of actors.
6 Dunne, Tim. 2003 ‘Society and Hierarchy in International Relations’ in *International Relations*, vol. 17, no. 3, p. 303.
9 Because the terms ‘moral’ and ‘ethical’ are used interchangeably in the literature, and because I take both of them referring to ‘right action’, however defined, with reference to state agents, I follow the interchangeable use here.
omissions. Ethics, as found in Erskine’s account are objective to states themselves, not subjective to states, or constructed through social interaction. The rationalist element in Erskine’s model appears as she draws the qualities expected of collective moral agents from a rational view of human individuals. Individual moral agency, as Erskine argues, “entails capacities [(such as rationality, sentience, intentionality)] for deliberating over possible courses of action and their consequences and acting on the basis of this deliberation”. Such a notion of moral agency can, in Erskine’s view be translated to ‘formal organisations’, as she argues, “some institutions share with individual human beings certain relevant capacities that mean assigning them responsibilities is a coherent endeavour”. Erskine argues that states, but also other collective organisations with a constitution and a decision-making structure, can qualify as a moral agent if they fulfil the following set criteria that is the same for all:

an identity that is more than the sum of the identities of its constitutive parts and therefore, does not rely on a determinate membership; a decision-making structure; an identity over time; and a conception of itself as a unit.

The same kind of rationalist account of states as ethical actors in world politics is found in the work of Alexander Wendt. Wendt accepts social theorists’ scepticism about the idea of states as agents (states are social structures within with human agents act), but claims that due to the particular nature of their structure, states emerge as corporate agents. The corporate structure of states consists, on one hand, of a decision-making structure ‘that both institutionalises and authorizes collective action’. On the other hand, the corporate structure of states comes into being as individuals’ (citizens’) shared knowledge reproduces the “idea”, or “self” of this structure that participants to it hold. In this way, for Wendt, the state gains it status as a person.

Yet theorising the state as a person is arguably a problematic move, that is questionable even as a metaphor. For Wendt, theorising states as people enables discussing states as unitary actors in world politics. Critics have argued, however, that

11 In fact, only most Marxist and structural realist accounts in IR are of the opinion that ethics are subjective to a state. They put this argument in another way: ‘states are self-interested actors’.
12 This becomes clear as Erskine argues that to be ethical agents, states are to respond to calls to ‘ethical duty’. See Erskine, ‘Making’, p. 6.
16 For the argument of social theorists, see Wight, Colin. 1998 ‘They Shoot Dead Horses, Don’t They? Locating Agency in the Agent-Structure Problematic’ in European Journal of International Relations, vol. 5, no.1, pp. 109-142.
17 Wendt, Alexander. 1999 Social Theory of International Politics. Cambridge: CUP. Ch. 5.
18 Wendt, ‘Social’, 218.
20 For an elaboration of his argument see Wendt, Alexander. 2004 ‘The State as a Person in International Theory’ in Review of International Studies vol. 30, no. 2, pp. 289-316.
in claiming that states are alike unitary actors in their international relations, Wendt inevitably ‘black-boxes’ the state. For one, FPA writers have argued that instead of being international unitary agents, states comprise of human agents and institutions they make up. Theorising how these humans and the institutions they make up as groups come to decide upon foreign policy is the focus of analysis of agency-centred FPA theory. The process of the making of foreign policy is the focus of analysis of, for instance, studies on bureaucratic politics and individual political leaders. Such FPA analyses can potentially make a contribution to studying how states come to conceive of and promote something as a particularly ‘ethical’ foreign policy. Yet, can FPA notions of agency go beyond the rationalist accounts in IR?

Valerie M. Hudson, in the recently launched first issue of *Foreign Policy Analysis* claims that moving beyond rationalist accounts of states as unitary actors is exactly where FPA can be expected to make the most influential contribution to the study of world politics.\(^\text{21}\) Hudson suggests that FPA can offer a more sophisticated understanding of agency for IR theory that is in her view rather structure-obsessed.\(^\text{22}\) She argues that IR must unravel the black-box of the state – the unitary actor model of the state – and that (what she conceives to be the main focus of FPA) a focus on ‘human decision makers acting singly or in groups’,\(^\text{23}\) should help IR to better understand how agents act and how things change in world politics.

Paradoxically, while she urges IR to go beyond the rationalist unitary actor-models, she defines agency as the cognitive features enabling an actor to choose in between policy options.\(^\text{24}\) This is clearly a rationalist understanding of agency. Hudson claims that the way in which she has described agents is the way they are generally theorised in FPA theory. Trusting that this is the case, it seems that FPA agency theory does not advance beyond thinking of ethical foreign policy decisions taken by rational actors in world politics. In the move from theorising states as rational, unitary-actors in the international context, FPA agency theory moved down a level or two to the level of bureaucracy and individuals to describe motivations for the acts taken in the name of the state as rational.

What exactly is it, then, that is problematic about the rationalist accounts for studying ethical state agency? Despite the rationalist account being a parsimonious expression of ethical state agency – due to their decision-making structure, states are capable of rationally choosing between right and wrong kinds of international action; and of what counts as ethical foreign policy – states act ethically to preserve sovereignty and thus security and rights as the common shared rules of the system, the account has multiple problems. The main one in the context of this paper is that the rationalist account treats the nature of states – their identity – as being constituted independently of the context they inhabit. This is problematic because if the nature of states is defined as exogenous to ideational and material social practice, then the ethical interests they may have are also predefined and are treated as unaffected by social change. That such a problem is embedded in the rationalist account of ethical

\(^{24}\) Hudson, V. M. ‘Foreign’, p. 4.
state agency and ethical foreign policy can be seen in the context of the 2003 War in Iraq.

The US claimed to intervene in Iraq with a regime change in mind to protect the rights of Iraqi civilians, and to promote democratic institutions. The US tried to legitimate the intervention in the UN Security Council, and when failing, took the actions to intervene in Iraq nevertheless. The rationalist account of ethical state agency would argue that the move to legitimate the use of force in the UN was the right thing for the US to do, because the UN system provides the common rules of action for states in international politics. As any action outside the rules and decisions set in the UN framework would be unethical, the rationalists would consider the US as a target of blame in the international community of states.

However, we should see the UN system as more than just formal procedures, but also as a juridical and normative structure of international order. Therefore the case for states exercising their agency rationally is not just about the formal legitimation procedures of the Security Council, but at the very least, an international consensus on the right course of action, where that action is legitimated through reference to UN principles and values. This is exemplified by how both critics and supporters of the war mainly drew on interpretations of international law for justifying their ethical positions.25 The problem with the rationalist account overall is that the framework of the UN system is the cut off point for ethics in this case.

Yet, as we know, US action, as well as the international acts of other governments in the international system including the UK and Australia has carried on after the security council vote, and states have carried on giving moral justifications for their action, despite the UN ruling.26 Indeed, as The Economist argued recently, that despite if members of the UN security council would agree to withhold their approval for military intervention – and agreement within the council is rare because states often have differing views on the seriousness of threat, chances of success et cetera – a state or a group of states would claim a right to take action for humanitarian purposes or in self-defence.27

The case of war in Iraq then exemplifies the way in which the rationalist explanations of ethical state agency and ethical foreign policy are insufficient in multiple ways. Firstly, because the rationalist account treats ethics and ethical interests as exogenous to states, it is not able to explain why the UK and the US would still carry on


justifying intervention in Iraq in moral terms. Secondly, the rationalist account associates the character of ethical foreign policy strictly with the juridical norms of the contemporary international system – in other words, no other international state acts can be ethical but those aimed at preserving the order in ‘international society’ (security and rights), as states are supposed to be the patrons of that order. Because of this clearly admirable, but rather one-dimensional normative conviction to thicken both the sovereignty and human rights norms in international order, the rationalist account of ethical state agency is unable to take into account any ethical convictions that exist outside the liberal-juridical sovereignty framework. Therefore this leaves out both moral justifications that states make outside this framework for their action and any other frameworks, be they normative or ones related to military or economic power, that inform the way in which states take international action and morally justify that action. Because none of these other kinds of frameworks are thought to be legitimate for states to justify their international acts, the rationalist account runs into great trouble – like in the case of Iraq – as it cannot explain ethical action that does not confer with the UN system norms, and subsequently it cannot explain ethical state agency when the system norms may change.

Part 2: Historical nature of ethics

Theories of states as ethical actors in international relations that draw on rationalist notions of agents are problematic because they assume that ethical interests are similar in character for all states, across time. However, as contemporary events suggest, states also give moral justifications for international acts that do not coincide with expected ethical codes of practice. In other words, rationalist accounts are incapable of explaining how states come to perceive of and promote various kinds of policies as ‘ethical’, in part because they fail to grasp contextual elements of ethics. Social constructivists, on the other hand argue that interests, including ethical ones, of states in world politics are not exogenous to social practice, but are socially constituted. Thereby constructivist accounts of ethical state agency can potentially offer a more contextual understanding of how states come to conceive of and promote a wide range of policies as ethical, and not just those associated with the values of the UN framework. The main difference in between the rationalist and the social constructivist positions on ethical state agency is that where the former argue that states come rationally to the decisions they make about ethical foreign policy, the latter claim that a conception of ethics is one of the constitutive features of state agency.

The constructivist position on ethical state agency is situated against the rationalist position in its account of state agency and its relation to international structures, and in its account of ethics. The constructivist understanding of international structures differs from the English School position on international order in that constructivists complicate the English School notion that states simply ‘manage’ the system. Instead, constructivists argue that international order is the international ideational structures between states that have a degree of independent standing in themselves. Generally, constructivists conceive of sovereignty principles as being this order.
International ideational structures are important to the study of states’ agency as they ‘provide lenses through which actors interpret the material conditions of their lives, and the language through which they describe themselves and justify their actions’.\textsuperscript{28} The systems of shared ideas give meaning to material resources for actors, and such systems also shape the social identities of political actors.\textsuperscript{29} Identities of social actors, like the state, inform their interests in world politics. Thereby, against the rationalists, constructivists argue that actors’ interests should be theorised as endogenous, not exogenous, to social interaction, and should be defined as coming about through the processes of social learning and role enactment.\textsuperscript{30} Hence constructivists are able to make a convincing case against the rationalist idea that states are inherently either egoists or good-doers due to the ‘nature’.

However, actors are not passive dupes, or the properties of social structures. The constructivist perspective is a structurationist one; agents and structures are conceived as mutually constitutive. International political structures do not necessarily repeat themselves across time and place, and thereby constructivists argue Waltz was wrong – patterns of world politics do change. Change comes about as actors’ practices produce and reproduce the ideational conditions of their lives,\textsuperscript{31} and as subsequently ideational structures develop and change, systems of states transform. At the end of the 1980s, constructivists claimed that this was what rationalists were unable to explain.\textsuperscript{32}

The work of two important authors form the core of the constructivist position on ethical state agency: Reus-Smit’s \textit{The Moral Purpose of the State}, and Mervyn Frost’s constitutive theory of ethics. Reus-Smit’s work historicises the foundations of normative structures of the international. For constructivists in general, sovereignty forms the normative structure of the international. Reus-Smit accepts that the general form of this argument is correct, but that this generic constructivist position needs to be more specific when attempting to explain the ethical foundations of actors like the state. Reus-Smit conceptualises international normative structures as comprising of the following: a hegemonic conception of the moral purpose of the state; an organising principle or sovereignty; and a norm of procedural justice.\textsuperscript{33}

Different systems of political organisation in world history have developed different international normative structures. Reus-Smit’s constructivist perspective accounts for social change in the following manner: “as norms of procedural justice change, so too does institutional rationality, leading states in different historical contexts to embrace different institutional solutions”,\textsuperscript{34} for instance to international conflict and cooperation. A contemporary example of an issue addressed in this context, of course, is what counts as ethical foreign policy. When applying Reus-Smit’s model, we can come to a historical contextual understanding of how contemporarily, many states have come to agree that international promotion of human rights, for one, as it is

\textsuperscript{30} Reus-Smit, C. ‘The idea’, p. 140.
\textsuperscript{31} Reus-Smit, C. ‘The idea’, p. 140.
\textsuperscript{32} Reus-Smit, C. ‘Constructivism’, p. 216.
\textsuperscript{34} Reus-Smit, C. ‘The idea’, p. 136.
institutionalised in the UN system, is an ethical policy. Reus-Smit’s model shows us how the international institutionalisation of particular values provides a grounding for the conception of the ethical contemporary states hold.

Whereas Reus-Smit’ offers a consistent constructivist account of state agency and international order, he does not explicitly address the notion of ‘ethics’ in a constructivist manner. Mervyn Frost’s account of state agency and international order is similarly historical in method as Reus-Smit’s, but most importantly, Frost provides a dialectical, ‘constitutive theory of ethics’. Frost’s account of socially constructed ethics is an important addition to Reus-Smit’s constructivist notion of the moral purpose of the state, because it highlights the difference between ethics conceived of as objective (and acted out by rational actors) or as socially constructed (the way in which ethics can be theorised as a part of the social identity of states).

Against the rationalist accounts that start from a notion of a sovereign moral agent from whom authority derives, Frost argues that we constitute one another as ethical actors in our social relations. Frost’s constitutive theory model for individual and collective moral agency begins with insisting that “it is only possible to understand actors and their actions within the context of specified social frameworks” which he refers to as social practices. While materially states consist of many human agents, states are single ethical actors in relation to one another internationally. Frost claims that recognition as a state agent in international society requires willingness on the behalf of states to go by the embedded ethics governing the practice of statehood. The embedded ethic in the contemporary society of states is a democratic one; according to Frost states are ethical agents in the society of democratic and democratising states. Societies of states change over time when cases of contradiction in between different sets of established norms of ethical action for states appear.

While Frost’s conception of contemporary international order as a society of democratic and democratising states is somewhat controversial –as all contemporary states are clearly not democratic, and some only democratic in form, not in terms of rights provision et cetera – his and Reus-Smit’s works provide an excellent and convincing counter-example to rationalist accounts of ethical state agency and ethical foreign policy in world politics. Most importantly, they explain contextual, structural features in international affairs as constitutive properties of ethical state agency. Social constructivists in general have convincingly argued that the contemporary

35 Frost derives the term ‘social practice’ from the work of Schatzki. Broadly, he defines a ‘social practice’ as practices that give the doing of one’s deed its sense. See Frost, Mervyn. 2001 ‘The Ethics of Humanitarian Intervention’ in Smith, Karen and Light, Margot (eds.) Ethics and Foreign Policy. Cambridge: Cambridge University Press. p. 35.
normative international structure is broadly based on the juridical principles of sovereignty and non-intervention. Through these contextually located conceptions of state agency, ethics, and international order, we acquire an understanding of how instead of choosing from any ethical requirements (a claim to which the rationalist position amounts to), states in contemporary international order reflect only upon certain kinds of international ethical demands, the nature of which is grounded in the nature of contemporary international order.

**Part 3: The problem of the normative**

While the constructivist accounts of ethical state agency convincingly theorise the importance of normative international structures such as shared values including sovereignty in constitutive features of ethical identity and interests of states, such accounts have very little to say about how international material structures affect a state’s ability and willingness to act upon an ethical demand in world politics. The importance of material structures aside to the ideational ones for ethical state agency can be seen, again, in the context of the example of the 2003 War in Iraq.

In discussing ‘ethical foreign policy’, it is important at this point to note a crucial difference between the 2003 War in Iraq and the humanitarian interventions of the 1990s. While the humanitarian interventions of the 1990s were mostly conducted with an international consensus about the legitimacy and necessity of action with regard to the UN framework, the 2003 War in Iraq and the time period since the inauguration of the first George W. Bush administration have seen the US taking increasingly unilateral decisions in implementing a particular vision of ‘ethical foreign policy’. The policy of ‘you are either with or against us’ has in one commentator’s words made the 1990s seem like ‘a holiday from history’. Can constructivist notions of ethical state agency account for how these changes in policy affect how states come to perceive of and promote particular foreign policies as ethical?

The constructivist account of states as ethical actors would argue that the juridical principle of sovereignty is materialised and institutionalised as the primary ethical code for state action in world politics in the UN system. As states are members of the post-1945 settlement of international order, the ethical codes embedded in these institutions are a constitutive feature of states’ social identity in the international system, and thereby states know to act according to such codes. While this constructivist argument is different from the English School rationalist argument in that it regards the ethical codes as a feature of state identity, not an option on the menu they can choose or not choose, the result in the case of the 2003 war in Iraq is the same. To have acted ethically, intervening states should have legitimated the act in

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41 As President Bush noted in September 2001, “our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen. It may include dramatic strikes, visible on TV, and covert operations, secret even in success. . . And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are against us.” Bush, George W. 2001 ‘Address to a Joint Session of Congress and the American People’ delivered on September 20, 2001; and see Krauthammer, Charles. 2004. ‘In Defense of Democratic Realism’ in The National Interest, 2004 summer, p. 1-12.
the UN Security Council. In this sense, the US, the UK and Australia did not act according to their ‘moral purpose’.

As the US, the UK and Australia intervened nevertheless, could these states be interpreted as perceiving their acts as ethical in the constructivist framework in any case? Because the constructivists conceive of the sovereignty principle as institutionalised in the UN system as the international ethical structure that is the constitutive feature of states as ethical actors in world politics, the answer would have to be no. Having looked at both the rationalist and the constructivist formulations of ethical state agency in the context of this example, we are either forced to conclude that the acts of the US, the UK and Australia be interpreted as ethical, even in the perspective of the states themselves, or we must find other ways of accounting for state perceptions of the ethical than those linked exclusively to the international normative principle of sovereignty. The latter option must be preferred.

The 2003 war in Iraq has showcased that the US is willing to take international action that is more in line with its national interests than with the common interests of the member states of the UN. Hereby many commentators have suggested the weakening of the ‘international society of states’ and the coming about of a new hierarchical system of international order. For the constructivist account of states as ethical actors, such weakening of the UN would ultimately mean a constitutive change in what states perceive as ethical action in world politics. In the view of the events of 2003 war in Iraq, this conclusion serves to illuminate some problems in the constructivist account of ethical state agency.

The problem is that the constructivist model presumes that states change their ‘thinking’ about what are ethical acts after the international normative structure changes, and subsequently that the juridical sovereignty principle has direct and determining effect upon what states accept as ethical action. In reality that the US and the UK justified their intervention in Iraq in moral terms before and after the UN Security Council decided not to support the intervention exemplifies on the contrary that states may conceive of and promote their foreign policies as ethical despite that the policies would not be in line with the UN system. This is one example that seems to suggest that the international social context must embed other ideational and material structures that enable states to perceive of and promote their particular foreign policies as ethical. As the 2003 intervention was US led, and the US is the hegemon of military and economic power in the international system, it seems reasonable to expect that material power structures form a part of the international order (which can be thought of as the international social context that is a constitutive feature of states) that form the context of ethical action in world politics.

The assumption in both accounts, in the end, is that state actors do the right thing in world politics on the basis of what has been institutionalised as the right thing to do in the UN framework. Normative models of world politics are based on a normative vision of international order. This is, in essence, ‘the problem of the normative’. That

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42 See, for instance Dunne, T. ‘Society’. Also note the plethora of material that has emerged on the US as an empire implicitly makes this point as well. For overviews, see for instance Cox, Michael. 2003 ‘The Empire’s Back in Town: or America’s Imperial Temptation – Again’, *Millennium* Vol. 23, No. 1, pp. 1-27; Mabee, Bryan. 2004 ‘Discourses of Empire: The U.S. ‘Empire’, Globalisation and International Relations’, *Third World Quarterly* Vol. 25, No. 8, pp. 1359-1378.
both the rationalist and the constructivist accounts of how states come to conceive of and promote particular policies as ethical are based on the idea of legitimate state action being tied to the idea of international society is problematic however. It is problematic because the conception of international order in both accounts is merely ideational and normative as well as egalitarian and non-hierarchical, and these ideas do not seem to cohere with the reality and practice of world politics.

First of all, as contemporary developments show, states justify their acts as ethical according to other principles than those of international society as well. Some of those justifications are to do with national interests, some with necessity to co-operate with the hegemon (as arguably was the case with the UK). This exemplifies there existing hierarchical normative international structures in addition to the principle of sovereignty. As G. John Ikenberry has shown, such hierarchies exist also within the institutions to which the principle of sovereignty is institutionalised. Ikenberry argues that at the end of World War II, the US able to interlock a liberal international order in line with its national interests in the UN framework. This interlocking establishes a situation of ideational power hierarchy at the normative heart of the international system, to which other states have had to adapt or have been socialised in one way or another.

Secondly, material international power hierarchies have always co-existed with the institutionalised juridical principle of sovereignty. Aside to the material structure, the juridical principle of sovereignty has always acted as an ideal, according to which states have increasingly justified their international acts since 1945. 1945 is an important year as it marks beginning of the end of colonialism and the expansion and related changes in international society. Especially the increased emphasis on the juridical principle of sovereignty gets highlighted as the cornerstone of the new international order. Previously much of international relations were based on a hierarchical structure with the European states and the US at the top and the colonies in the bottom. Whether the expansion of the juridical principle of sovereignty marks a change in the reality of the practice of international politics must be questioned. The hierarchical international power structures including the separation the US and the European states from the colonies still continue to underlie the economic and security relations between states. These inequalities paired with the hierarchies that exist in the normative institutions of the UN arguably frame what states come to perceive of and promote as ethical foreign policies. The juridical sovereignty principle, as well as human rights principles as materialised in the UN system since 1945 may provide the ideal guide for action in world politics, but what actions states claim as ethical get justified – and always have – in the social context of material and ideational hierarchies in the international system.

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44 One of the examples is the international hierarchy created by the fact that the UN security council has only five members contemporarily. Also see Ikenberry, G. John. 2002 ‘America’s Imperial Ambition’ in *Foreign Affairs*, Vol. 81, No. 5, pp. 44-60.
Because states do not exist in a social vacuum they cannot but take such hierarchies into consideration in framing ethical foreign policy. Therefore we must include these hierarchies into analysis of what states perceive of and promote as ethical foreign policy as a constitutive feature of ethical state agency, and as structures that constrain and enable the ethical international actions of states. Similarly – and this is where FPA can make the most crucial contribution to the analysis – such hierarchical international ideational and material structures impact the domestic sphere, and the domestic context has its own ideational and material hierarchies and non-hierarchies. States as are deeply embedded as social institutions and actors both internationally and domestically – two social contexts that must, in the end, be conceived as one unified social realm, not two. 46 While international order is often seen as existing in its own sphere, it also is constituted and impacts upon domestic arrangements.

In order to further engage with the influence of both the international and domestic social context and particular contextual factors to better understand how states come to conceive of and promote particular kinds of foreign policy as ethical, it would seem that comparative FPA studies on the social contexts of policy-making have much to offer. Despite FPA agency-theory does not, in the end, move beyond the idea of rational actors (but just moves to discuss human agents in the process of decision-making as rational), the insights FPA has delivered when looking at the domestic social processes as influencing international action are crucial. Particularly interesting are comparative FPA studies engaging with particular domestic social contexts and decision-making at particular time periods when international orders have been undergoing changes. They can shed light on how different kinds of ethics have become part of state identities and actions in different countries in different historical periods.

Examples can be found in previous comparative foreign policy (CPF) studies, which have taken contextual factors seriously, and have, for example, delivered cross-national studies of particular types of policy, including different cultural influences on the making of particular types of policy. 47 For instance, the particular concerns small European states faced in the making of foreign policy post-WWII have been studied comparatively. 48 CPF analysis and emergent historical sociological approaches to IR share common interests – crucially the abolishing of the domestic/international division and the comparative nature of study. Thus they may provide a fruitful way to better understand how particular states come to conceive of and promote specific foreign policies as ethical.


Conclusion

The aim of this paper has been to show that in order to better understand why state agents perceive of and justify certain policies as ‘ethical’ we must begin to focus on the social contexts that constitute ethical state agents and particular policies as ‘ethical’. So far, as I have sought to show, the two existing conceptualisations of ethical state agency in international studies – the rationalist and the social constructivist accounts – have only been able to account for one such context, the normative and juridical UN system. The rationalists view the UN system as setting the rules for ethical action of states in the contemporary international system. States as rational actors either choose to act by these principles, or otherwise they can be blamed for not acting according to them, and hence having acted unethically. The constructivist position advances beyond treating ethics and values of states as given, and states as rational actors, and instead sees the contemporary normative international order as having come about historically, as through the co-constitution of state actors and the contemporary international order. Hence the UN system is a constitutive feature of state identities and interests, according to which states act ethically.

Contrary to the two existing positions, I have argued in this paper that in order to better account for how states come to perceive of and promote certain policies as ethical in world politics, we must begin to account for the material and ideational hierarchical structures that exist outside the ideal ethics of the UN system. These structures set ethical strategies in a constraining and enabling manner in both the international and domestic contexts. A focus on merely the state actor cannot tell us much about how states come to be ethical actors or to implement ethical foreign policy, but any such analysis in IR and FPA must account for the international/domestic social context within which states act.
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