Communitarian Ethics

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Introduction: An Overview of the Argument

This work is divided into three parts. The first part is a communitarian theory of ethics. By this I mean that it is an account of the nature and ground of ethics from a communitarian point of view. The second part applies the communitarian view of ethics to the ethical organisation of the domestic affairs of an independent self-governing community. The third and final part considers the ways in which the relations between these independent self-governing communities may already constitute elements in an ethical community of states together with reflections on the nature and principles of such a community were it to be adequately realised in the world.

The basic communitarian ethical intuition is that ethical life is a social practice that human beings developed and carry on together. It rejects the idea that an enquiry into the nature and substance of ethics will consist in an answer to the question: how should I live? The question it is concerned with is: how we **-** a collection of human beings - should live together? On what terms should we bind ourselves to carry on our interactions? In other words, a communitarian theory of ethics conceives the rights and duties that individuals must acknowledge in their ethical relations to be constituted by the reciprocal commitments of a collection of human beings when they consider themselves as an entity that has a common aim or good - namely, what we are trying to achieve together. In communitarian ethics, the primacy lies with the character of this "we-ness" rather than with the individual ego in pursuit of its good. However, the essential togetherness of the communitarian perspective does not obliterate the separate existence and interests of the individual ego. It requires only that the individual pursue those interests through membership of the ethical substance that his community constitutes.

The simplest form of this character can be discerned in the relation between two people who undertake to go for a walk together for their common enjoyment. What is going on is that each commits himself to the other to walk together. It would be a breach of one party's obligations to the other if he suddenly decided to go on ahead or down a different route leaving his partner behind. The other party would be entitled to complain and criticise

the defector for reneging on his commitment to do the walk together. This reciprocal commitment cannot be reduced to a decision by each individual separately to walk the same path at the same time and at the same speed, for such decisions create no mutual obligations. It is only when the two individuals understand themselves to be bound to each other (temporarily) that a new non-reducible entity arises. This is their togetherness - what they are bound to do together.[1]

Of course, two people going for a walk together can ipso facto believe themselves to be mutually bound by their commitment only because they already conceive themselves to stand in some sort of ethical relation to each other. They believe themselves bound by their word because they believe that, if they give their word to such a person, they are bound by it. If I say to myself alone, "I hereby commit myself to go for a walk today", I do not create any obligations by such a statement - at most a determination of my will to do the walk. So, if I am bound by giving my word to another, it is because that other has already an ethical status for me. If I give my word to him, then I owe it to him to make good on it. In that sense, he has the status of being an end of my action. His interest in my fulfilling my word determines my act to keep my commitment.

This is what I understand an ethical relation between persons to be. It is to treat the interest of another in a certain respect as an end of my action. In being such an end, there is no other good to appeal to as the further end to which satisfying the other's interests is a means. It is certainly not my good that is such a final end for which everything else is a means. This conception of what is involved in an ethical relation is hardly an original view. It is to be found in the two dominant modern theories of ethics in western philosophy - namely, the utilitarian and Kantian philosophies. For a utilitarian, ethics commits you to treat the interests of every sentient being as your end, while for the Kantian the obligation applies only to all rational beings.[2] But these philosophies should be understood as, in their ground, individualist theories

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[1] This example and analysis is taken from M. Gilbert, *Living Together: Rationality, Sociality and Obligation* (Lanham: Rowman and Littlefield Publishers, 1996). See especially pp 177-91.

[2] However, the sense in which the individual is an end in these two philosophies differs and is explained in the main text, note 9.

to which communitarianism is opposed. For the only possible ground for treating every sentient being or every rational being as an end is that each such individual is, simply by virtue of being an individual sentient or rational being, an end in itself. On this individualist conception, an individual is an end independently of his standing in any other relation to another. The communitarian rejects this idea. An individual is an end for others only if he is part of a collectivity whose members have bound themselves to each other to pursue their individual goods subject to rules that require them to treat each other's interests in certain respects as ends of their actions. In other words, no-one is an end unless he is part of a non-reducible entity composed of human beings who are reciprocally engaged to treat each other as ends in accordance with common rules.

On this view, an ethical life is possible only if there exists in the world actual entities resembling the above characterisation of an ethical community. Suppose that communal life has disintegrated and what remains are individuals desperately fighting each other for the means of survival in a destroyed world. Yet, there exists one person raised on individualist morality and dedicated to treating everyone he meets as an end in himself. Such a person is unlikely to last very long. But should he be admired as a supremely just person? A communitarian should answer: obviously not. His actions are pointless and have no effect in a Hobbesian war of everyman against everyman. We can imagine in such world two individuals managing to convey to each other the belief that each would do better if they committed themselves to pursue their drive for survival together and succeeding in constituting a community that subsequently attracts others so that an extensive communal life recovers from such small beginnings. But the fact that each would do better through a mutual commitment to pursue their survival as a unit is not in itself sufficient to ensure that their association will be successful by bringing into being an ethical world. They must believe themselves to be bound to each other and come to think and act as a unit. This is the ethical substance formed by their association and constituted by the ethical ties it creates.

There are two sorts of ethical substance, one of which is only a modification of the other. There are special purpose communities such as my two people committing themselves to go for a walk together. For the duration of that

purpose, the two constitute a unity binding them to deliberate and decide together their route and any rest points. There are myriads of such special purpose associations, from the most limited, localised and temporary, as in my example, to associations of associations that cover the world and are intended to endure indefinitely, such as world football's governing body (FIFA). As I have shown, the mutual commitments of members of special purpose associations presuppose that the parties already have an ethical status for each other, such that each in giving his word to the other holds himself and the other to be bound by their speech acts. Hence, there must be some other form of communal ethical life in which this mutual ethical status is grounded.

I call such communities general-purpose communities. They are associations within which all legitimate human purposes may be pursued. This involves survival and reproduction as the fundamental interests but also survival beyond the bare necessities or a commodious life, together with all the more refined purposes that human beings form as a consequence of their rational and reflective nature. The idea is that a complete human life, comprising all the ends of a human being, can be enjoyed by members of this kind of association. Such communities are independent and self-governing. They make their own rules of interaction and are not subject to the dictates of any external power. They have taken the form of political communities of all kinds - tribes, city-states, kingdoms, empires and nation-states. These are the foundational ethical communities within which special purpose associations are formed. Their inherent ethical orientation consists in the fact that they constitute the conditions under which the mutual trust necessary for ethical commitment can arise. The ethical commitment binds the members to pursue their general human interests within the laws and customs that the community has established. These laws constitute a system of rights and duties that protect and promote the interests of the members in the light of the good of the whole. Thus, in respecting the laws and customs of his community a member is implicitly treating the interests of the other members as defined by those arrangements as an end of his action and hence as having a general ethical status for him.

Some of these arrangements may appear to us now as outrageously unjust, arising from and being maintained by huge power imbalances between

different classes of the community. I will deal with this issue in the main text and will simply assert here that such arrangements will be justified by the leaders of the community in terms of the common good or as unavoidable necessity or in some other way. The need of the leaders to provide some such justification, for themselves as well as for others, of their domination of the entity they control, reveals, indeed, its inherently ethical nature.

The community will probably understand its rules, to begin with, to be laid down, not by itself, but by its supposedly semi-divine founding ancestors. Subsequently, the laws may be conceived as grounded in moral principles commanded by a universal God. The communitarian ethicist who understands ethics to be a social practice created by human beings must treat all such attributions as misconceptions arising from the need to give the laws an unshakeable authority. Once these errors have been overcome, it will be seen that the fundamental laws of human association arise from the ethical substance that collections of human beings form and maintain through their mutual commitments as members of general-purpose communities. The possibility of such erroneous self-understanding derives from the fact that in the primitive form of these communities the mutual commitment of the members is experienced as an unreflective sentiment of belonging and attachment while adherence to the ways of the tribe flows naturally from that self-identification. It is only when human beings' developing reflective powers get directed onto the community's practices and their ground that ideas about ethics and its foundation begin to emerge and erroneous understandings can acquire authority.

I have claimed above that a person's failure to comply with his ethical commitments entitles the other parties to the formation of the ethical substance to criticise and complain about the defector's behaviour. Other more severe sanctions may follow. In the case of the two people committed to going for a walk together, what is at stake is the trustworthiness of the defector in any future engagements. In more enduring communities and especially in general-purpose communities, the defections may be much more serious and the sanctions much more costly to the offender. Members of an ethical community will, thus, have a powerful additional motive to comply with the community's rules. The motive it is additional to is one created by the identification of the member's interest with the interests of

the others through the formation together of their "we" identity. Every human being, qua animal being, is naturally motivated to pursue its own good. As a social animal being, it is motivated, unreflectively, to pursue its good as a member of a group. As a reflective social animal, the human being will self-consciously identify its good as a common good shared with his fellow members. The threat of sanctions for non-compliance with the community's rules reminds the member what he has to lose in ceasing to be a member in good standing and hard treatment adds extra costs that he may have to bear if his attempt to cheat on his partners fails.

The human being's capacity for reflection enables him to raise questions about the nature and ideal content of the terms on which he could pursue his good as a common good through membership of a community. He should conclude that their nature is inherently ethical in requiring him to treat the good of other members as ends of his action as well as having his own good as such an end. But he may wonder what motive he has for treating others as his ends. That he is an end for himself is given by his nature as animal being. The sort of answer that, in the history of western reflection on the subject, he came to think that he had to give was one that showed how virtue or ethical content was a good for him because of his individual rational or sentimental nature independently of his being a member of what I have been calling an ethical community. This has been the individualist project in the history of ethics which communitarian ethics rejects.[3] For a communitarian, human beings have evolved to pursue their

[3] Larry Siedentop has written a compelling book about the invention of the individual within Christianity. However, his title misidentifies what actually happened. What he charts is the emergence of a conception of a human being's ethical worth as residing in his separate individuality in contrast to the then prevailing understanding which saw it as arising from his membership of a family which was itself embedded in the political community of Roman citizens. It is fairly absurd to think that an individual member of such a household, such as Gaius Julius Caesar, did not now that he was a particular individual human being who was born in Rome at a certain time and had an individual trajectory which included conquering Gaul, winning a civil war and so on. Presumably, he would have thought that, as such a unique individual, he had no ethical claims on others. Such claims arose from his membership of a patrician family and the Roman Republic together with his individual achievements. L. Siedentop, *Inventing the Individual: The Origins of Western Liberalism* (Penguin Books, 2015).

good through a relation to the good of others as constituted by the laws and customs of actual general-purpose communities. In reflection on their membership, they will see that it binds them to treat the good of other members as their good also. When they ask the question, why should I do what membership binds me to do, the communitarian answer is because that is what it is to be a member of a community. You don't have to be a member. You can go and live alone in a cave in the wilderness if that possibility attracts you. But so soon as you join with others in creating and maintaining a community, you bring into existence an ethical substance which binds you to them.

Inherent in community, then, is the ethical idea that members of the community are ends of action for each other. The concretisation of that idea is the set of rules that a community adopts to govern its members' interactions in pursuit of their own good. These rules should aim, in principle, at aligning each member's pursuit of her good with the attainment of the common good. Critical reflection on the rules will consist in the identification and evaluation of the main possibilities. Part 2 of this work is an attempt to do this for a general-purpose community considered in abstraction from its relations to other such communities. Since the types of general-purpose community would seem to be manifold, certain broad distinctions need to be made. The first is between a society in which the individual households are largely self-sufficient and one in which they are economically interdependent. The former type is to be found in the simplest tribal communities in which collective enterprises are little developed and each household, for the most part, fends for itself. The households, though independent, huddle together in villages for protection from human and animal predators and for the advantages of mutual help. The basic rules for such a society are obvious: each member should respect the life, liberty, bodily integrity and possessions of the others and be prepared to help other members in distress. While the first part of these injunctions is clear enough, the second is likely to vary in its requirements and actual practices between societies and between individuals within societies.

The primitive community of self-sufficient households will be characterised by an equality of condition of its members and the absence of a significant political superstructure. The economy will not produce the surplus necessary

to maintain one and the spirit of the tribe is likely to be strongly egalitarian and distrustful of leaders. Such tribes are anarchic in character, relying on self-help for the enforcement of their rules. In the interdependent economy that will develop sooner or later, by contrast, no-one can maintain her household without exchanging her goods or services for those produced by others. This economy is potentially hugely more productive than the primitive economy and both needs and can support a specialised political superstructure to regulate the more complex interactions of its members, enforce its rules and organise the defence of its greater wealth from external predators. Nevertheless, the basic rules of the primitive society will still apply: no-one is to harm another in his life liberty, bodily integrity and legitimately acquired possession and everyone should be prepared to help others in distress. These are, in effect, universal basic laws for all genera-purpose communities. However, in the interdependent economy what is to count as an invasion of a person's liberty or seizure of his possessions will become more complicated because dependent on the rules regarding what a person may legitimately come to possess.

In the primitive economy each is entitled to whatever he produces himself, but in the interdependent economy each can gain for himself only by contributing a good or service to another. Each is entitled to the worth of his contribution. Yet, how is that worth to be determined? There are, broadly, two ways of answering this question: one is to rely on the market - the demand and supply of goods and services by private individuals or combinations of individuals - the other is through the choices of the chief planner in a centrally planned economy. Actual political economies, however, are likely to be some combination of public and private production. In the centrally planned economy, the planner decides what is to be produced, how much of the different sorts of labour is needed and how that labour is to be secured. The planner also decides what the contribution of different types of labour is worth. Since, in principle, she commands and directs labour, she can reward it as she pleases. She could pay everyone the same or according to need or on the basis of differences in level of skill or importance.

Such a scheme may look as though it is a reasonable interpretation of the communitarian idea for an interdependent economy. Yet, its disadvantages

are well-known. They are both economic and political. It is both economically very inefficient and politically highly dangerous because of the extraordinary concentration of economic, political and ideological power that it involves. Yet, it is also not a good instantiation of communitarian ethics. Its central idea is to conceive society as though it were a single household and then run the political economy through the household head. But communitarianism is the idea that society is essentially a plurality of separate households - each with its own natural interests in survival and prosperity and as such constituting a distinct end of the community's actions - who together create the ethical substance through which they acquire rights and duties.

The alternative determination of contributory worth through the operations of a market is widely thought to be anti-communitarian in spirit because based on individualist self-seeking. This is a mistake. The basic idea of market exchange is not in itself contrary to communitarian ethics. If, under fairly egalitarian economic conditions, I agree to exchange the shoes I have made for some clothes that you have made, each has freely contributed to the good of the other and if we think of a market society as resulting from a series of such exchanges mediated by the use of money, then the common good of the whole economy will have been arrived at through exchanges in which each party is satisfied. The problems of market society from a communitarian point of view, nevertheless, are twofold. The first is that the fairness of the exchanges depends on the existing distribution of economic power while the tendency of market societies over time is to produce ever greater inequalities of condition partially remedied from time to time by war and economic disasters. The second is that, even if the structures of economic power in the market are reasonably just, market outcomes can hardly be said to give to each person what he deserves. Market outcomes are the result of too many contingencies for there to be a close connection between hard work and enterprise on the one hand and market reward on the other.

There are also widely recognised market failures, such as the failure to produce some types of goods and services at all or in the quantity that consumers would willingly pay for if everyone were required to pay through tax-funded public provision as well as the well-known tendency

of markets to generate wildly excessive booms and spectacularly awful busts. These deficiencies can be remedied by government provision of public goods and government regulation of markets to curb their exuberant and destructive spirals. Government regulation can also remedy the vast inequalities of wealth and income that the market produces by ensuring that the worst off are enabled to participate proportionately in the growing communal prosperity and the very rich pay suitably high levels of taxation. From a communitarian point of view, a market society is the creation of all its members in undertaking to pursue their good through observing the rules and disciplines of the market. The opportunities that some members seize to make their enormous fortunes are the result of the operation of the whole system of market exchanges which exist only through everyone's contribution. The winners and losers of the unregulated system - the vast wealth of the few and the destitution of the many - do not deserve their individual fates. If this scheme is to be justified, the justification must appeal to its general benefits and not its individual justice. The standard justifications are that the scheme increases the general wealth and makes it possible for everyone to be better off and that by protecting individual liberties and possessions, it frees members to a certain degree from dependence on the state and thereby gives them an area of autonomy. But these justifications are valid only if, in fact, everyone gains greater wealth and everyone gains an area of autonomy. The market will not of itself produce such an outcome. Hence, it requires government intervention to approach the communitarian goal that is the alignment of the general interest with each person's interest.

Both the centrally planned economy and a market society, and anything in between, require a political superstructure to function adequately. From a communitarian point of view, the economic and political elements must be understood as functions of the whole community and, as such, they must harmonise to produce the general good. In fact, I also identify another superstructural function which I call the ideological. The people who fulfil this function are the creators and maintainers of the community's self-understanding - the story it tells itself as to who they are and how they fit into the world, their cultural identity. These people may be organised in specialised institutions such as churches, mosques,

universities and so on. But in principle any educated member may contribute to the discussion, although in most societies there will be limits on the ideas it is acceptable to circulate. I do not have much to say in the second part of my work on the ideological function except to discuss some peculiar features of liberalism as a cultural identity. However, the claims of cultural identity become an important feature of the attempt to conceive international relations as a community of states which I discuss in the last section of this work.

In the short run, a people cannot change the character of its economy - for example from handicraft production to industrial production. So, other things being equal, the burden of adjustment would seem to fall naturally on the political sphere in order to produce the required harmony of political and economic structures. But, in fact, the possibilities are quite varied. Nevertheless, I shall focus on a modern industrial economy and appropriate political superstructures; in particular, on two types of polity that are the main rivals for dominance in contemporary international society. These are authoritarian one-party states and liberal-democratic multi-party states. What I call one-party states may permit other parties than the governing party but only if they support the governing party programme (China) or have no chance of winning the elections because the governing party controls the media, the law courts and the electoral process so as to ensure by fair means or foul that the opposition parties will never win (Russia). Multi-party-regimes are based on fair and free elections and give to the parties a chance to win enough seats in the representative assembly to govern or participate in government.

Both these types of polity ground their legitimacy in the claim to express the will and interests of the people. The function of a polity is to create and maintain a structure of laws and institutions such that the members in pursuing their own good within that structure both generate the common good and succeed in satisfying their own interests. In general, one-party regimes are defended on the grounds that they provide strong and stable government, a coherent conception of the society's interest and a consistent direction of policy. The liberal-democracies by contrast are said to produce constantly changing and weak governments and hence a lack of coherence in conception and effectiveness in execution. With the example of

contemporary China and other relatively undemocratic states in mind, it is frequently claimed that these regimes can more effectively promote economic growth and the general prosperity than multi-party regimes. Hence, they do, or are in a position to, regulate the market aspects of the economy in the general interest and for the benefit of everyone.

One-party regimes restrict by law or by manipulation the possibility of other parties gaining political power. If such regimes are to be regarded as legitimately possessing power, they must claim to embody the will of the people uniquely or manifestly better than other parties. Since they deny the people any choice in the matter, legally or in effect, the ruling party must claim to know better than the people what is in their interests. As the one-party states necessarily restrict the rights of their members in respect of speech and association in order to protect the privileged status of the party, they will be illiberal in these respects and vigorous critics of liberal societies for various sins, such as their moral and sexual permissiveness, individualist self-seeking and general anarchic incoherence as opposed to the strong family values, respect for authority and community that the ruling party claims to defend. In this regard also, they are held to be able to better protect the real interests of their members in peace and order.

I discuss some aspects of these claims in the main text with a view to giving liberal-democratic polities at least two cheers. But it should be obvious that by giving some evaluation of the two types of polity from the standpoint of their ability to fulfil a polity's proper functions, I am treating both of them as legitimate attempts to realise the communitarian idea in modern political systems.

The great weakness of one-party regimes is their inability to respect crucial aspects of the rule of law and to hold those in power to account for their conduct in office. In respect of the former's requirement that rule should be conducted through known and settled laws, impartially administered, the two main contemporary autocratic states, in fact, do very badly. They will be illiberal, of course, in respect of the freedom rights of their members. They could, nevertheless, legislate for these restrictions on rights in their legal system, making clear what members are entitled to say and do and what is forbidden, and have these rules impartially enforced by an informed and independent judiciary. Yet, this is exactly what the so-called

managed democracies of the Russian model cannot do. They pretend that their members have freedom rights but any effective use of these rights that threatens ruling party dominance will ensure that you will be prosecuted and convicted on trumped-up charges or, if necessary, simply murdered. The Chinese, however, hold that they respect the socialist rule of law. This means that the rights of members in law will be defined relative to the interests of the socialist regime. If this idea is to be compatible with universal rule of law principles, the restrictions on freedoms necessary in the interests of the socialist regime should be spelt out in reasonably precise and justiciable laws. But the Chinese government does not do this and requires the courts to interpret the general restriction on an ad hoc basis under the instructions of the government. This enables the government to maintain a close control of what its people can say or do through a lawless control of the courts.

With regard to the accountability of rulers to the people, the position of one-party states is even worse. One form of this accountability consists in their subjection to the laws impartially administered, which they are not. The other major form of accountability is through free and fair elections buttressed by everyone's possession of the liberal rights. Since one-party states do not have such elections, they are very likely to be riddled with corruption and abuses of power. There is no way for them to protect their rule from such degradation of function except through internal party discipline or the authority and self-restraint of a wise and benevolent dictator.

The other main argument for supporting liberal-democracy over one-party systems consists in attaching a high value to autonomy in personal and collective life and holding that the great majority of human beings possess a sufficient capacity, when adequately developed, to decide for themselves how to live and what to believe in their personal lives and through participation in political decision-making, that societies which recognise and promote their rights in these respects will do better in terms of the satisfaction of human interests than ones that subject individuals to elite domination.

My whole discussion, from a communitarian point of view, of the rules and institutions of a general-purpose community in this section has been based on the assumption that the question; who is a member? has a simple and

uncontroversial answer. Everyone who lives in the territory and contributes to the good of the whole. But this is clearly inadequate. In the first place, the community may allow foreigners to enter the territory for purposes of trade, education or tourism. These people are clearly not members. However, they may be allowed to settle and acquire residence rights, together with rights to the protection of their persons and properties, without becoming members. Such rights may be passed on to their children and their children's children with the consequence that an indigenous population develops that, nevertheless, does not enjoy membership rights. Another possibility is that as a result of military success against neighbouring states, whose members are not thought to have any rights, one's community enslaves the vanquished either by importing them into its territory or by acquiring the territory of the neighbour and reducing its population to servitude.

The problem for a communitarian is that these categories of people have no inherent rights and so enslavement or permanent residence without membership rights, from the perspective of the independent community, is permissible. Yet, the answer to the problem is, in principle, simple. The practice of killing or enslaving defeated enemies can come to be, and will have to be, outlawed by the rules of a developing community of states. Similarly, the status of non-member residents can be regulated in agreements between states. What is absolutely unacceptable from an internal (rather than an international) communitarian point of view is what the Germans did to some of their fellow Germans under the Nazi regime. They declared that some individuals with full membership rights were not properly members and were to be thrown out or killed because they were claimed, without evidence, to be destroying the German nation.

The third part of this work removes the assumption that the general-purpose community, whose ideal rules and organisation, I have been discussing, is an isolated entity with no relations to other such bodies. Our political community has now to decide how its relations to outside bodies and their members should be conducted. While it is not possible to have a general-purpose community that does not, implicitly or explicitly, embrace the communitarian idea of the relations between its members, relations between such entities need not constitute an ethical realm at all. Outsiders may be seen as enemies who threaten one's survival or flourishing. The general attitude of each to the others may be

one entirely grounded in the primacy of self-interest. Some may cooperate with others but only to the extent and for the duration that such cooperation is perceived to be in their community's self-interest. This is the basic principle of the realist attitude to international relations. It is to put "America First" all the way.

But there is nothing in communitarian ethics that requires communities and their members to relate to outsiders in this manner. On the contrary, the communitarian believes that human beings have evolved to be naturally disposed to pursue their own interests through the creation and maintenance of ethical substances such as genera- purpose communities. So, they should be capable of bringing into being a community of states whose essence would consist in the requirement of the states to pursue their self-interest through their mutual commitment to common and binding rules of interaction. Yet, this has proved to be much more difficult to achieve than a communitarian might be expected to believe.

From their beginning as small self-sufficient tribes, general-purpose communities have grown in size through absorbing other communities and their territories by conquest or through an amalgamation designed to increase their combined strength against external predators. The conquering state might simply grab their neighbours' territory and evict, enslave or massacre its inhabitants. In this way, large kingdoms and huge empires were created that constituted serious threats to the independence of the remaining states. An obvious remedy would be for the smaller states to join together in forming a community of states powerful enough to see off the imperial predators. This has been attempted many times, but the only enduring success has been the Swiss Confederation. (Although this entity should now be seen no longer as a community of Swiss states but the unitary federal state of the Swiss people). Others have had temporary successes against invading imperial forces, such as that of the ancient Greek city-states against the Persian empire, only for them to fall victim to more effective empires - consecutively, the Macedonian, Roman and Ottoman.

The Christian states of western and central Europe liked to tell themselves a story about their attempt to form a society of states that would have as its basic principle the sovereignty of its members. The idea of such a

society arose from a treaty agreement made in 1648 at Westphalia between the many states involved in or affected by the devastating religious wars between Catholic and Protestant Christians. A central aspect of the agreement was that states bound themselves to accept each other's religious affiliation. This so-called Westphalian society or system developed in two ways in the course of the subsequent centuries. It developed a system of rules for regulating the states' interactions in many spheres, which came to be recognised as international law, and it incorporated many states that were neither Christian nor European.

As a serious attempt to eliminate warfare between the members as a means of regulating their relations, it must be considered a non-starter. There was almost constant warfare culminating in the devastating world wars of the 20th century. However, the fact is that it never really tried to ban the engagement in aggressive wars designed to promote a state's interests in the struggle for power and wealth. This omission was rectified in the treaties following the world wars that created first the entity called the League of Nations and after its failure, the United Nations Organisation. The United Nations Charter is a serious communitarian document that endorses international law as developed under Westphalia but adds two fundamental rules. It bans the use of war as an instrument of state policy, requiring states to settle their disputes by peaceful negotiation or arbitration; and it commits all members to organise their domestic system on the basis of respect for the human rights of their members. These rights, elaborated in a series of declarations, covenants and UN resolutions, effectively require all states to be liberal democracies.

Since many states, including the communist powers, were neither liberal nor democratic and had little or no intention of becoming either, this aspect of the UN treaty has not been a success and has created much resentment towards the liberal-democracies who largely instigated and promoted the human rights ideology. In accordance with my views on the plurality of constitutional forms that can give substance to the communitarian ethical idea, I do not think that this stipulation in the UN's principles and its embeddedness in the practice of the UN's agencies is a sensible, let alone a necessary, element in the rules of a community of states. But I reject the idea, promoted by China and Russia for a new

world order, that the principle of non-intervention in the affairs of other states, should exclude the legitimacy of states and their members having any concern for the welfare of the members of other states that licenses them to make judgements on how the other state is treating its own members. In any community of states that succeeds in bringing into being an ethical substance whose members have rights and duties, states and their members will be committed to treating other states and their members as ends of their action and cannot but have a legitimate concern for their welfare. However, I argue, that this concern should be manifest not through the human rights ideology, which is seriously defective in crucial respects, but on the basis of rule of law principles and the rights of minorities. A "no-blame for domestic (mis)conduct" union of states may be conceivable in a world of autarchic states which have no relations with each other except military confrontations. But once the states have allowed to grow, and have now to manage, a vast and prosperous international civil society, and if they are together to constitute a union of ends, that union must extend to a concern for each other's welfare and the welfare of each other's members. The only realistic alternative is a return to the realist and essentially unethical attitudes which make cooperation between states depend on the interests of the stronger parties.

Part One: Communitarianism and Individualism in Ethics

What is ethics?

I shall understand ethics to involve principally the study of what it is for human beings to develop relations among themselves in which each party to the relation treats the others as ends of action for him. The subject should also cover the relations of such beings to the children and animals they are responsible for, but I shall not discuss those topics in this work.

A rational animal such as a human being will naturally come to treat herself as an end in herself. By this I mean that she will regard what she believes to be her own good as in itself a reason for her to act to attain it. She will not think that she has, first, to justify the pursuit of her good as a means to the attainment of some other good that is not hers. Of course, in some circumstances, she may correctly believe that the pursuit of her good will seriously harm another and if she is in an ethical relation with that person, she will not want harm to come to that person. Hence, a fundamental question for ethics is how to conceive the relation between the separate goods of persons who treat each other as ends of their actions.

This understanding of ethics involves the rejection of the sharp distinction between ethics and morality made by some recent theorists.[4] According to that distinction, ethics is concerned with what it is for an individual human being to live a good life from the perspective of his separate individuality while morality covers the subject of what we owe to others. Of course, these two considerations must be harmonised in some way if an individual is to

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[4] See especially R. Dworkin, *Justice for Hedgehogs* (Cambridge, Mass: Harvard University Press, 2011) pp 191-219. Dworkin appeals to the notion of the dignity of a human life. This turns out to mean that you must pursue something that is objectively good in your life. But then, what is objectively good will have to be respected by other human beings so that the very notion of a good ethical life presupposes a community of human beings mutually respecting each other's lives.

be able to lead a coherent life. The only way this can be done is by reducing the one to the other either by making what we owe to others part of a personal ethics as in the virtue ethics of the Platonic philosophy or by construing ethics as identical with what we owe others. Both these are what I call individualist strategies. The former is that of ancient Greek philosophy while the latter is that of modern moral philosophy, especially expressed in the thought of Kant, in which what we owe others has to be elicited from a personal standpoint that is egoist in nature. The communitarianism I espouse, in treating ethics as essentially a social practice that human beings carry on together, rejects the individualism of this tradition and so avoids its problems. No doubt these claims are not now perspicuous to the reader. But they will be elaborated and, I hope, vindicated in the following argument.

Think of a well-functioning ecosystem. The various elements of the system fit together so as to sustain a flourishing life for the biotic species within it. Of course, the system works only through the daily tragedies involved in some living beings eating others. So, the flourishing of the parts applies, not to each individual organism, but to the species to which the individual belongs. Suppose that there emerges in this system, somehow or other, a self-conscious rational individual organism that is capable of grasping how the ecosystem works and its own place within it. As a self-conscious rational individual organism, it will naturally seek its own preservation and flourishing. But it understands that its interests in this respect depend on the continued health of the ecosystem. Hence, it will be concerned to regulate its own conduct and, if necessary, control the behaviour of the other elements in order to maintain the whole system in good order. Its actions will be guided by its conception of the good of the whole or the common good of all the elements. However, since the good of the whole is completely aligned with its own good, there is no reason to attribute to it an independent motivation to treat the interests of the other elements as ends of action for it. Their interests are absorbed in the good of the whole and the good of the whole is its own fundamental interest. Its actions, therefore, can be perfectly understood as the expression of its prudential rationality.

Now let us suppose that it is not a single individual organism that emerges as a self-conscious rational being but the members of a whole

species. Human beings have developed within the system. After many centuries or millennia, some individuals of the species come to realise that the totality of the species' members' actions is destroying the health of the system. They manage to persuade the members to commit themselves to policies that will save the system. That commitment involves the members' undertaking to pursue their individual and group goods within the constraints of the policies that will secure the common good of all. In that sense the individual members' general will for their common good will be the fundamental guiding principle of their actions directed at the satisfaction of their own interests.[5] The undertaking brings into being their mutual obligation to give priority to their general will over the pursuit of their particular interests. The mutual obligation binds the participants together and constitutes the emergence of an ethical world whose inhabitants, thereby, acquire particular rights and duties. A fundamental feature of such a world is that each participant treats the good of the others in certain respects as ends of action for her equally with her own good.

Objectively speaking and prior to the formation of the general will, the species' members could be seen to possess a common interest in behaving in ways that will preserve the health of the ecosystem. But this will be true for all its biotic elements prior to the emergence of the self-conscious rational species. The mere existence of such a common interest does not constitute an ethical world in which the members possess rights and duties. Such a world can come about only through the mutual commitments of self-conscious rational beings. Thus, it makes no sense to say that the non-rational biotic organisms of the ecosystem have rights in themselves and hence independently of what the rational species does. To be sure, these

[5] Talk of an individual's general will and its inherent ethical supremacy over the individual's particular will is liable to set off cries of horror among some students of political ethics. But the notion just identifies an individual's will in pursuit of the good when he conceives of the good to be pursued as that of a whole of which his good is only a part. Ethically speaking, his will for the good of the whole must take priority over his will for his particular good, not as part of the whole but as an independent entity. On the widespread and uncontroversial use of the term before Rousseau, see P. Riley, *The General Will before Rousseau* (Princeton: Princeton University Press, 1986).

organisms have the same sort of natural interests as the members of the self-conscious species - their interest in self-preservation and flourishing. But these natural interests cannot constitute of themselves a set of natural rights. They can only be said to have rights in an ethical world brought into being in the above manner and including in its laws rules of action that protect the natural interests of the biotic organisms. It will, then, be true that their interests in certain respects are grounds for holding the self-conscious rational members of that world responsible for actions that harm them. The non-rational biotic organisms are beneficiaries of the duties that the members of the rational species impose on themselves.[6]

Can't it be said that the members of the rational species have a moral obligation to create a world in which the natural interests of the biotic organisms of the ecosystem are protected? If so, the sphere of the moral or ethical would be constituted prior to the formation of any general wills and consist in whatever was objectively necessary to promote the common good of the whole ecosystem. But from a communitarian point of view, no individual has a moral obligation to do that act that would promote the common good if and only if all the others also acted in the same way even when they don't. The ethical obligation arises when they act together by binding themselves to follow the requirements of their general will. It may be said that each individual should endeavour to bring about such a world. However, this is clearly an obligation of prudential rationality. It states what the individual's interest is from the point of view of his separate individuality whereas the ethical world with its rights and duties is constituted when the individuals see their interest as a common good determined from the collective point of view of their togetherness.

In the ethical relation brought into being by the constitution of the collective point of view and the general will, each member of the collectivity is necessarily bound to treat the other members as ends of her action. A

[6] The natural interest is not the ground of the right. It is the mutual commitment of the members of the rational species to treat the natural interest as imposing duties on them that brings the rights and duties into being. We need to distinguish between what it is to have a right, what rights we should have and how a set of rights come into being.

rational animal in having her own good as her natural end will organise her actions in the present with a view to obtaining the good that she conceives. This conception may cover shorter or longer periods of time or indeed constitute a conception of how she wants the trajectory of her life as a single whole to go. What different people conceive to be their good is very likely to differ in its details according to their individual circumstances and abilities and the options available to them in their society. However, I shall, for the moment, abstract from such considerations and just assume that each person's good is a single whole the attainment of which is the overall aim of her actions. It doesn't even matter whether everyone desires the same things or different things. What matters is that, on the one hand, the good for each person is naturally her own good, and, on the other hand, that each person in an ethical relation is committed to treating the good of the other as a good for her also. Hence, the ethical agent must form a conception of a new overall end of her actions which unites in some way her own good and the good of her ethical partners.[7]

Let us suppose that the good of each person in the ethical relation is unqualified. I mean by this that the good of each person is to be understood as her good as a whole. A specific ethical relation may limit substantially the good of another that a person is obliged to promote. If she has promised to drive her neighbour to hospital for an appointment, then that is all she is required to do. But if she is thought of as having a general obligation to help others by promoting their good, her commitment would be open-ended and comprehensive.

Two modern western theories of ethics

There is a modern ethical theory that, in its foundations, embraces such an unqualified view of a person's ethical obligations: utilitarianism. As a utilitarian ethical agent, you are obliged to do those actions that are most likely to bring about the greatest amount of good summed over all persons

[7] I have written about this at greater length in an earlier work, *The Idea of an Ethical Community,* (Ithaca: Cornell University Press, 1995). The unity of the agent's good with that of the other creates a community between them. The good to be pursued is common to them both and is thus a common good.

covered by the relation. Each person's good as a whole must be counted but as there are many persons' goods, as well as the agent's own, to be included in the calculation, what any particular individual will be due will depend on how the assessment turns out. Of course, the utilitarian theorist, faced with the impossibility of human beings making such calculations on a day-to-day basis, moves quickly to the question of what secondary principles, if generally accepted and followed, would result in the greatest amount of good being achieved. A person's obligations to promote the good of others is, then, specified and restricted by what following the secondary rules obliges her to do.[8]

However, the fundamental ethical injunction of this theory remains that of so acting as to promote the greatest amount of good summed over all individuals covered by the relation. Insofar as the good is identified as pleasure and the absence of pain, then the relevant coverage is all sentient beings. But for my purposes, at this point, let us assume that it is all human beings only. Since each person is equally an end, the calculation must count each person's good as in itself no more and no less valuable than anyone else's. Thus, the ethical agent faced with this injunction has to form in herself a will that has as its object the greatest amount of good overall counting each person's good, including her own, as no more valuable than anyone else's. This will is clearly a general will as it is a will for the general good in the determination of which each person is valued at the same rate as anyone else. The ethical agent should govern her actions overall, including her actions directed at her own good, by this general will.

This creates a problem for her. Naturally, she has her own good as her end, but now, ethically, she must treat her good as though it were anyone's and seek to maximise the total good of all such anyones. Her problem is that the directives of nature and ethics are in flat contradiction. Nature tells her to have, as her primary concern, her own good as her end, while ethics requires her to treat her own good as though it were anyone's and everyone else's good as though it were hers. In other words, ethics tells her to act in the world as though she were a benevolent impersonal will that is detached from, or has no relation to, its existence in a body that has its own individuality as its

[8] I have a fuller discussion of Utilitarianism also in *The Idea of an Ethical Community.*

fundamental orientation in an empirical world. Given our empirical nature, then, how can the impersonal general will ever command it? One can give a formal answer to this question: only if the individual's good as a particular individual is brought into such an alignment with the general good that she can think of actions that promote the general good as ones that promote her own also and at the same time that her actions advancing her own interests serve to promote the general good.

The fundamental ethical injunction of the utilitarian theory cannot satisfy this formal requirement.[9] However, the secondary principles might be understood as designed to bring about the desired alignment between individual interest and general good. If they are generally accepted and followed, then this will result in the achievement of more good than any alternative arrangements. So, suppose that the best principles require that individuals interact in pursuit of their own good on the basis of mutual respect for a set of rights. Let us also suppose that these rights involve giving each person access to a certain level of resources and entitle him to use these resources as he thinks fit to pursue his own good provided he does not violate the equal rights of the others. The aim of this scheme is to so adjust

[9] In the Utilitarian theory, each individual's good is a value in itself that the ethical agent must take into account in his calculation of what, all things considered, is the right thing to do. But it is not an end that must form an integral part of the ethical agent's ultimate goal. For the utilitarian ethical agent, the individual's value is to be seen as part of a larger total - the greatest good - so that if that goal can be best achieved by imposing harms on individuals A, B and C, then this is what she should do. As Rawls has pointed out, this involves treating humanity as a whole as though it were a single individual who may with good reason impose a harm on himself now for the sake of a greater good for himself later. This picture, however, denies ethical reality as I am describing it. An ethical relation comes into existence when two or more individuals treat each other's good as ultimate ends of their action so that the ethical goal cannot be achieved without the good of each party being satisfied.
Kantian rationalism recognises this but conceives the individual's nature as an end to be inherent in her independently of her standing in any relation to others. The communitarian view conceives the individual's status as an end as necessarily involving such a relation so that it comes into existence only through individuals' mutual commitment to treat each other as such ends in their relations . For Rawls's comment on utilitarianism, see his *A Theory of Justice* (Oxford: Oxford University Press, 1999) p.24.

the equal rights that, if the population is law-abiding, each person's exercise of his rights in lawful interactions with others will result in a higher level of overall good being achieved than either a different set of equal rights or an alternative to the equal rights scheme altogether. Once we have such a scheme, individuals, in governing themselves in pursuit of their particular good by their general will for the general good as members of the whole association of individuals, will know that that general good enables them to satisfy their own particular interests and that, in satisfying their own particular interests within the scheme, the general good will result.

The trouble remains, however, that, each individual from his own natural perspective, has no motive to govern himself by submitting his pursuit of his particular good to his general will for the general good. Yet, the success of the scheme requires this. It demands that each member give priority to his general will over his particular will without showing how that is possible. There have been, in modern western ethical thinking, two major theories of how such a general will is possible: the sentimental theory and the rational theory. There are also two fundamental requirements on the formation of such a will. The first is that we are able to identify our personal interests with the interest of every other human being. We must be able to do this because the general will essentially tells us to have regard for our own interest as if it were that of any other human being. So, if by nature, I love myself, then the general will requires me to love others as myself and love myself as though I were another. This is not going to be possible unless we are able to see our own self-interest in the self-interest of the others, so that it makes no difference which particular individual we are promoting the good of, for we are all one. The second requirement is that this general will imposes itself on or governs the formation in each individual of his understanding of his own particular interests. It will be no good, if, in the individual's formation, he begins by developing an understanding of his own self-interest independently of any general will and, only later, is confronted with the demand to form a general will in himself and to submit his particular will to it. For, by then, the conflict between the two wills will be insurmountable. So, the only chance of the second requirement being fulfilled depends on a person developing his self-understanding of his interests within an understanding of his participation in a general will.

With those two requirements in mind, let us consider the sentimental theory of general will formation. This appeals to our natural capacity for the sympathetic identification of our self-interest with the self-interest of another human being. The idea is that when we see another human being suffering harm or about to suffer harm, we will project ourselves into the other's situation and hence see in his suffering the vivid imagination of our own. So, for love of ourselves, we are moved to act to alleviate the other's suffering. To arrive at an impersonal general will, we need to think of others and ourselves as primarily suffering beings.[10]

That human beings have a capacity for sympathetic self-identification with suffering others is not to be doubted. However, the theory can't explain how human beings can come to treat others as ends of action for them because sympathy as a motive for benevolent action in fact presupposes that the agent is already disposed to regard others as his ends. The theory holds that in coming across a suffering other, I imagine myself suffering like him, and because I want to stop the sense of myself suffering, I stop his suffering. This supposes that my motive is relief for my suffering. The peculiarities of my constitution make me feel, when confronted with the suffering of another, that it is myself who is suffering in the other. But why don't I just run away, distance myself as much as possible from the suffering? If all I want to do in the first instance is to stop the sense of myself suffering, the easiest and quickest way to do that would be to run away, turn a blind eye, imagine something pleasurable. If, instead of such callous actions, I go out of my way to help the sufferer, and I have no special self-interested reason to help him, such as the fact that I am dependent on him for my livelihood, it will be because I am already disposed to see in the suffering of another a ground for acting to help him. Why I am so disposed, a communitarian will say, is because human beings have evolved as social beings which makes them sensitive to the good of other members of their group. It is the openness to the good of others that leads a person to respond

[10] In discussing the sentimental theory, I follow largely the way Rousseau expresses it in his Emile. The more complicated theory of David Hume depends on the same basic mechanism of imagining myself in the situation of the other and feeling his pains as my pains. I discuss Hume's view in my *Idea of an Ethical Community* pp. 107-110. For Rousseau, see his *Emile ou de l'Education* (editions Gallimard, 1969) p.523.