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Article

Is Order in International Relations Justified?[1]

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Abstract: This article criticizes from philosophical perspective arguments put forward by supporters of international anarchism. According to the international law sceptics conflict between equality and freedom can be resolved only within the state to a satisfactory executive level. In this approach, citizenship is defined as a warrant of rights and liberties guarded by coercive state institutions. Thus, the duties of justice apply exclusively to compatriots. Concurrently, I present how problematic this perspective can be especially if we take into consideration contemporary Russia's war on Ukraine which affects many economic and political aspects of people's lives in different parts of the globalized world. At the end of the article, I argue that the position of anarchism is overly reductive in its assumptions, as it precludes convincing explanations of many important aspects of international relations—such as the state's adherence to the principles of international law.

Keywords: order, anarchism, international law, power

According to international anarchism,[2] international relations are characterized by a state of anarchy, and because of that, no standards of justice apply. Institutions and the international law are merely a

[1] In preparing the final version of this article, I have benefited from discussions of participants of the 11th Polish Philosophical Congress (Lublin 2019) as well as from feedback given me by Prof. Agnieszka Nogal at the early version of the draft of the text.

[2] My understanding of "international anarchism" has nothing to do with the ideas of 18th and 19th century social-type (e.g., Mikhail Bakunin) or individualist (Max Stirner) anarchists. Anarchy in this context demonstrates the need to eliminate the institution and power of the state and to leave the freedom of self-organization to the people. As seen by theorists of international anarchism, however, anarchy does not refer to a self-organizing community, but a force relationship that must be reduced or eliminated precisely by the establishment of a state securing the principles of justice.

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result of the forces and interests of the strongest states. The aforementioned approach is similar in form to the well-known international relations theory of political realism.[3] International anarchism as a philosophical position can also be derived from Thomas Hobbes's political theory, whereas Thomas Nagel can be considered a modern representative of this position in its liberal form. Such anarchistic perspective in international politics has been questioned by a cosmopolitan approach based on globalized interconnectedness.[4] Because in contemporary times we have heard louder and louder that globalization is reversed by the US in confronting China, and the post-Westphalian world has been transformed again into Westphalian; now is an opportunity to look closer to the problem of order in international relations.[5] Due to the idea of international anarchism, and especially the assumption about the impossibility and/or non-existence of international justice, I primarily refer to those elements of Hobbes' (points 1 and 2) and Nagel's (point 3) theories that wield a significant influence in this argument—specifically, the claims they made concerning the lack of sovereignty and the coercive law in international relations. These are the factors that cause justice only at the state level and not at supranational levels. After evaluating these factors, I refer to the polemics between the anarchists and their opponents concerning whether justice and the law are possible in international relations (point 4). At the end of the article, I argue that the position of anarchism is overly reductive in its assumptions and precludes convincing explanations of many important aspects of international relations—such as the state's adherence to the principles of international law. Another objective of this article is to indicate the problematic nature of this position by revealing the ambivalence existing therein (conclusion).

State of Nature as a State of War

International anarchism, when used to describe relationships in international relations, is often based on the Hobbesian description of the state of nature. In Hobbes's theory, the state of nature is defined by the lack of a sufficiently strong political authority capable of ensuring the safety of mankind. In such a state of nature, there are no effective moral principles, i.e.,

[3] See Hans Morgenthau, *Politics among Nations* (New York: McGraw-Hill, 1993) and Kenneth Waltz, *Theory of International Politics* (Illinois: Waveland Press, 2010).

[4] See Rafał Wonicki, *Bezdroża sprawiedliwości. Rozważania o liberalnych teoriach sprawiedliwości ponadnarodowej* (WUW, 2017). Parts of the article are based on revised and modified paragraphs from chapter 2 of the book.

[5] See Richard Shapcott, *International Ethics: A Critical Introduction* (Cambridge: Polity Press 2010) and Peter T. Leeson, *Anarchy Unbound: Why Self-Governance Works Better than You Think* (Cambridge: Cambridge University Press, 2014).

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those that would oblige entities to respect each other's rules. There are also no effective institutions that equally punish anyone for violating the law or morality, because there is no law or morality, and moral principles operate *in foro interno.* According to Hobbes, the only possibility of ensuring that these principles are enforced lies in the conclusion of an agreement to create a state and to appoint a function of punishing sovereign power.

Simultaneously, Hobbes points to two sources that cause the state of nature to be a state of permanent and potential war. The first relates to the premise of human nature (anthropological pessimism)—we are impetuous and affective, and we strive for fame or security at the expense of others' subordination. The second assumption refers to the uncertainty of the state of nature—we do not know who we can trust because there are no recognized common rules. Both sources cause individuals to reside in a constant, potentially life-threatening situation.[6]

Hence, the state of nature is a state of war in which people fight for survival, competing for resources. There is no room for durable cooperation or satisfaction from one's work because of the uncertainty of others' intentions and the threat of others appropriating what we have. A state of nature, as Hobbes describes it, embodies "continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short."[7] Thus, in a state of nature there are no permanent laws and, apart from instincts and affections, no ethical principles rule, there exists "the war of all with all" (*bellum omnia contra omnes*).

This situation changes when the contract is concluded, and the state is established. This is when people renounce some of their powers, including the power to wage wars, in exchange for obedience to the sovereign. After the creation of the state, only the sovereign, for whom war can be a means of achieving the goals for which he was called—bringing peace, improving the state, and living in it—has the right to violence and war.

Therefore, moral order and political security are brought about by entering into the position of a state by entering into a social contract in which individuals establish authority and renounce involuntary acts of violence. Law and morality apply because the sovereign has the power to enforce sanctions and punishments for citizens breaking the law. People become citizens under his authority because, for the sake of protecting life, they have appropriately assigned rights. However, after the emergence of sovereign states, the state of nature as a state of war continues. The reason for this continuation lies in the fact that the states and their rulers are relative to each

[6] See Thomas Hobbes, *Leviathan* (London: Andrew Crooke, at the Green Dragon in St. Paul's Church-yard, 1651), XIII.

[7] *Ibid*., 78.

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other like individuals in a state of nature. This situation in regard to states means that there is no possibility of concluding permanent international agreements, which, according to Hobbes, are merely blank words because of the lack of a guaranteed "sword" (and thus, superior authority). Keeping promises and proceeding in accordance with what one has established (e.g., treaties and international law) is rather a manifestation of prudence but does not constitute an expression of justice or morality. This occurs because the states have no obligation to act in pursuance of established rules if such actions were to undermine their interests.[8]

Against International Anarchism

In order to challenge relations between states as the state of anarchy, critics of international anarchism must show that the war of each and every state is different from the state of war between sovereign states. For this purpose, one may argue that war and the willingness to fight result from the obligation to protect the lives, property, and work of the citizens. Thus, the sovereign can declare war only if those values are at risk. Then, the interest of the state, or as defined by Niccolò Machiavelli, the reason of the state, becomes the proper cause of violence and war. Simultaneously, according to critics of anarchism, even if a state of lawlessness exists between states, this is not a state of war. Sovereign states, in order to ensure the safety of their citizens, will not persist in engaging in wars among themselves, and will instead accept mutual rules in the name of mutual benefits, enabling them to cooperate. Based on the above interpretation, critics may claim that Hobbes' theory of war is intended primarily to safeguard the existence of the state and should be understood as a defense war against assault.[9] In order to meet this security requirement, Hobbes needs a strong, internal guard of the internal and external sovereign powers. This power, thanks to recognized means of coercion—namely, internal, and external police—could provide citizens with a peaceful life understood primarily as a biological experience. As Hobbes writes:

> The only way to erect such a common power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort as that by their own industry and by the fruits of the earth they may nourish themselves and live

[8] *Ibid*. XXI.

[9] Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 2nd ed. (New York: Palgrave Macmillan, 1995), 45–50.

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> contentedly, is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, everyone to his will, and their judgements to his judgement. This is more than consent, or concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man: I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou give up thy right to him, and authorize all his actions in like manner. This done, the multitude so united in one person is called a Commonwealth; in Latin, *Civitas*.[10]

The state, although it is a purely human creation—or an artificial creation (as Hobbes calls it, a Leviathan)—constitutes at the same time the only way people can increase their chances of survival and ensure their safety, even against an external enemy. However, the states do not establish supreme power over one another, the super-sovereign. Thus, they remain in the state of nature with each other, and thus in a state of potential war. Hence, a question arises to which Hobbes does not provide an answer: whether, without an external power that secures international law by coercive means, justice can be established between states?

To counter the skepticism about the justice and law of international anarchists, we must show the wrongness of two premises in Hobbes' reasoning that international anarchists support. The first is that the state of nature is a state of war in which no state has an interest in following moral rules. The second assumes that moral principles must be validated by indicating that such conduct leads to the long-term promotion of the interests of all participants in the game. In the first case, we should consider whether international relations meet the Hobbesian criterion of the state of nature as a state of war. For this purpose, at least four conditions must be fulfilled: (a) the actors of international relations are states; (b) they are relatively equal; (c) they

[10] Hobbes, *Leviathan*, 105–106.

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are sovereign, which means that they can pursue their own internal policies irrespective of the internal policies of other states; and (d) due to the absence of superior authority capable of imposing uniform rules on all states, there is no reasonable expectation of mutual compliance and cooperation between states.[11]

I will now discuss these points in more detail. Ad (a) Recent history shows that, in the area of transnational relations, we are not dealing exclusively with states, but also with other entities that co-operate with international practices, such as the United Nations and the European Union. At least since the fall of the USSR, we can observe increased cooperation and the emergence of transnational organizations of all types. Today, states cannot be recognized as the only actors in international relations, and their policies are often influenced by the transnational interests of large corporations.[12] Ad (b) The second matter—i.e., the equality of forces between states—constitutes at most a legal fiction. States differ in terms of wealth, military strength, and prestige, and all of the aforementioned have an effect on their position in international relations. They certainly are not equal in their political influences and effect.[13] Ad (c) The third issue relates to the fact that states are capable of pursuing policies that are independent of other countries. In times of increasing globalized interdependence, security and prosperity depend largely on other players (states, international organizations, and corporations). The observed interdependence also leads to an increase in the importance of international and regional organizations that seek collaborative rules and common institutional and legal solutions to reduce and resolve conflicts. Achieving many of the goals that depend on states requires a stable environment, the recognition of common institutions, and the development of mutual practice in the long run. Thus, the use of violence is often unprofitable.[14] Ad (d) The fourth argument refers to an authority capable of establishing moral norms, which should influence the reduction of the importance of one's own interest. If such a situation were actually to take place, international law would either not be respected at all or should be less respected than state laws. However, violations of domestic laws (crime, fraud, etc.) are more frequent than violations of international

[11] See Charles Beitz, *Political Theory and International Relations* (New Jersey: Princeton University Press, 1999), 36.

[12] Peter Gourevitch and James Shinn, *Political Power and Corporate Control: The New Global Politics of Corporate Governance* (New Jersey: Princeton University Press, 2007).

[13] Michael Barnett and Raymond Duvall, "Power in International Politics," in *International Organization*, 59:1 (2005); Jeffrey Hart, "Three Approaches to the Measurement of Power in International Relations," in *International Organization*, 30:2 (1976).

[14] See Erik Gartzke, *The Relevance of Power in International Relations* (USC College of Letters, Arts and Sciences, 2009), <https://pages.ucsd.edu/~egartzke/papers/relevance_01222011.pdf>.

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laws.[15] In addition, they occur in countries that monopolize coercive measures. It is also worth noting that many areas of international relations are characterized by a high degree of voluntary cooperation based on such things as, for example, norms of customary law.[16] Naturally, there is always a risk of war. The history of recent decades, however, teaches that rivalry often takes non-violent forms based on mutual recognition of norms and the observance of common rules. Even if the states keep their moral obligations and do so for the sake of their own interest, they still accept many rules of cooperation, perceiving them as rules of righteousness. It occurs mainly because given states have common interests, and it is, therefore, reasonable to say that mutual cooperation and recognition of some principles is possible even if there is no global sovereign.[17]

The above arguments reveal that the analogy between international relations and the anarchy of the state of nature is unfounded. Second, Hobbes and the authors who followed his reasoning are mistaken about the possibility of morality and justice in international action. International rules are legitimate when they are in the interest of the states, but in the Hobbesian approach, the interests of the people are of greater concern (the interest of the nation/state remains relevant only if it coincides with the interests of individuals). This means that standard operating requirements may be justified in another manner than merely the rational interest of individuals' survival. For example, participation in common practice can be morally desirable even when following certain rules does not benefit the state.[18]

Thus, the skepticism expressed by international anarchists is problematic. One cannot logically say that there are moral norms that bind people while at the same time claiming that these norms do not affect the actions of states. Under the anarchist approach, there also exists an argument that certain features of international order (such as sovereignty) do not apply to international relations and the actions of moral judgments. States are not subject to the requirements of international justice because they represent

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[15] This argument seems problematic, because Beitz does not tell us why we should treat the state as individuals. It is therefore unknown why crimes committed by people should be equated with violations made by states. It is known, however, that this comparison is biased against people, because people are "n" times more numerous than states.

[16] See Shabtai Rosenne, *Practice and Methods of International Law* (London, Rome, New York: Oceana Publications, Inc., 1984), 55.

[17] See Beitz, *Political Theory and International Relations*, 49; Martin Shaw, *Global Society and International Relations: Sociological Concepts and Political Perspectives* (Cambridge: Polity Press, 1994), 17–19; and Andrew Linklater, *The Transformation of Political Community* (Cambridge: Polity Press, 1998).

[18] See Beitz, *Political Theory and International Relations*, 64; Hedley Bull, "The Emergence of a Universal International Society," in *The Expansion of International Society*, ed. by Hedley Bull and A. Watson (Oxford: Oxford University Press, 1984), 123.

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separate political entities that have no overriding authority over one another. According to international anarchists, such a lack of common ground for evaluation validates moral skepticism. However, a lack of common judgment does not undermine the possibility of an evaluation in general. This occurs because, also within the state, different criteria of assessment are used by citizens, although many of them are not reflected in positive law. Yet, these criteria are still used for assessing the law.

Nagel's Rejection of International Justice

In a normative discussion between cosmopolitans and communitarians, there is a strong concentration on economic redistribution on a global scope. In this debate, we can find authors such as Thomas Nagel who argue against cosmopolitans (i.e., Pogge, Moellendorf, Brook) that the lack of an international legal system possessing sovereign coercive power undermines all claims to any justice outside of the state. In his view, in international relations, anarchy and force rule, not law. Fair distribution claims apply only to institutions that oversee economic cooperation on a large scale through legal coercion. Citizens, therefore, have a mutual obligation to distribute their shares equally because they shape their economic life under the constraints of political institutions they have voluntarily agreed to follow. Co-citizens, recognizing themselves as contributors to the creation of distributed public policies, agree that they will treat their shares in the political community in an egalitarian way. Because of that at the supranational level, institutions are not entitled to legitimate the use of coercion. The aforementioned proves that justice simply does not apply at this level.[19] Nagel simultaneously presents two arguments indicating that global socio-economic justice would be possible only within a world state. The first generalizes Hobbes's argument concerning the state of nature. According to Nagel, if justice "can exist only under sovereign government,"[20] then global justice in any of the concepts of justice requires the existence of a world state. The second argument refers to the idea of egalitarian justice. Egalitarian distribution fairness "is something we owe through our shared institutions only to those with whom we stand in a strong political relation," and its requirements "apply only within the boundaries of a sovereign state, however arbitrary those boundaries may be."[21] The existence of a just order

[19] See Laura Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011), 36, 141–142.

[20] Thomas Nagel, "The Problem of Global Justice," in *Philosophy and Public Affairs*, 33:3 (2005), 116.

[21] *Ibid*., 121–122.

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depends on coherent patterns of behavior and maintained institutions that wield ubiquitous influence over the way people live. Individuals, although attached to such an ideal, have no motivation to adapt if they are not sure that their behavior will be part of a reliable and effective system. Nagel claims that the only way to provide such assurances is to secure law enforcement by way of a central authority that would determine the rules of interaction and hold the monopoly on executive power. This is necessary even in a community in which most members are attached to the universal ideal of justice. By virtue of this reasoning, justice requires a sovereign state. However, due to the fact that a world state does not exist, justice cannot exist in international relations.[22]

Thus, one can say that, for Nagel, we are, as citizens, responsible for the legal rules of our state. This responsibility includes the right to request a justification of regulations, including those issued on our behalf. There are two points in this reasoning. First, it seems that the obligation imposed on citizens by law is a sufficient reason for limiting their freedom to claim justification. It is not, however, enough to morally prohibit non-citizens from claiming justification from other countries for their law. The critics of such an approach as cosmopolitans or global egalitarians may claim that in the age of globalization if there exists an effect of State A on State B due to a change of law or some specific action, State B has the right to demand that State A change such law or provide compensation for the damage it has caused. In other words, the scope of justice narrowed to national borders does not need to be limited by the claim that only citizens can demand justification for the introduction of certain rights.[23] Other people affected by this right may also demand such justification when their situation worsens. Moreover, the moral obligations that can be translated into institutionalized duties of justice are only due to legal constraints created by the state. If this is so, then any other coercion, also related to international law and institutions based on it, should generate justice obligations. *Ipso facto*, Nagel does not present any convincing arguments in defense of the claim that the institutions of coercion, acting on behalf of those upon whom such institutions are legally forced, are a prerequisite for enforcing distribution standards. For instance, let us consider a case where only Nagel's first condition is fulfilled: market institutions inevitably create an environment in which people with different skills, contacts, ideas, and so on do not have control. These institutions, by their actions, make some people more privileged than others. In addition, these

[22] See John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton, 2001), xii, and Samuel Freeman, R*awls* (London: Routledge, 2007).

[23] See Mathias Risse, *On Global Justice* (New Jersey: Princeton University Press, 2012), 33–35.

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privileges significantly affect their most important interests, such as the likelihood that they will have good medical care. This tangle of market institutions serves private and collective interests using a system of incentives and disincentives. All of this is altered by the collective effort of individuals in the form of exerting pressure to correct existing legislation and establish institutions that place different incentives and disincentives in a different manner. Whether freedom and human activity can be violated and limited by institutions is not a case of hazard, because people design the institutions in which they operate. For this reason, claiming that standards of justice are impossible to establish when one can influence the shape of institutions around us is nothing more than a claim that those who do better nevertheless have no obligation to fellow citizens in extreme poverty.[24]

International Law and Its Critique

As I have presented above, international anarchists claim that international law is not a "law" until it is effectively enforced and has a sanction system.[25] Their conclusions are often based on the assumption that the law must be coercive, and they prove legitimacy through a command theory of John Austin.[26] This position can also be defined as follows: in international relations, moral norms are possible, but legal ones are not.[27] It

[24] This argument is consistent when we recognize that ethics are universal, and therefore apply to everyone in the same way. At the same time, this argument encounters two important counter-arguments. The first is political, while the second is ethical. The political counterargument shows the importance of the community's role of securing the obligations of justice. The ethical argument in turn points to the special moral relations between citizens, giving them priority over non-citizens.

[25] See Jack Goldsmith and Eric Posner, *The Limits of International Law* (New York: Oxford University Press, 2004).

[26] See John Austin, *The Province of Jurisprudence Determined* (London: John Murray, 1832).

[27] See Allen Buchanan called such a position "legal nihilism" [Allen Buchanan, *Justice, Legitimacy and Self-Determination* (Oxford: Oxford University Press, 2003), 45–52]. One of the answers to "legal nihilism" is to show that features belonging to state law, such as the creation of legal obligations, do not need to be centralized by one sovereign authority and can be enforced by international structures. The second answer is to undermine the claim that the activity of the state institution is a prerequisite for law. Enforcing the law by force, through sanctions, is generally considered a necessary, if not the most important, feature of state law. In response to "legal nihilism," one can also show that the decentralized model of international law has been transformed into a decentralized system of international cooperation—largely due to the consent and action of states—without any body of superior authority that would have the power to legislate. The most similar form to this kind of legislative body is the UN. This institution creates international law that is "soft law" and thanks to it the state can begin negotiating agreements in their most essential aspects by engaging in declarations and other "soft law" instruments and then moving towards establishing specific rights and obligations. In particular, the term "soft law" is used in relation to international rules that are more flexible and general than those

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argues that the so-called "international law" (and its activities and institutions) can only cause states to voluntarily commit themselves to compliance with the concluded agreements. Consequently, relations between states are at the very least subject to moral obligations, but not the law itself. According to this notion, without a world government possessing centralized legislative, enforcement, and judicial systems, there is no way to effectively protect legal obligations. Without such a government, there would be a natural state without law and based solely on the power politics and interests of the state, or at best, the discretionary relations dependent on the goodwill of states. From the perspective of international anarchism, international law cannot exist without s centralized legislative power, a coercive mechanism, and a system of sanctions.[28] In response to such an approach, critics of international anarchism may put forward counterarguments. When defending international justice, one may argue that the view of classical legal positivism as recognized in international anarchism is not an appropriate description of the law and does not provide a proper understanding of legal norms. Even Herbert Hart, also a positivist, rejects Austin's theory of law. Hart firmly argues that the concept of law as a system of orders warranted by a "sword" distorts the role that the notions of obligation and duty play in human relations. Instead, Hart emphasizes the normative nature of law. This law is in force because governments, officials, and citizens generally recognize the validity of existing rules.[29] Critics of anarchism extrapolate this reasoning to international law.

Hart's law model serves as a good explanation for the existing decentralized international law, which, at the global level, lacks a legislative body. Thanks to it, a threatened injunction system does not constitute a legal system, and focusing on sanctions leads to an inadequate understanding of legal obligations. They also consider that international law and morality exist, not just anarchy. However, such a position does not mean that there is no need for coercion in the legal system, as entities may, for example, voluntarily agree to different types of sanctions for any violation of the rights they agreed to.[30] At the same time, given that the internal normative nature of the law

contained in positive national law. These rules may fail to provide for any specific legal obligation or to confer any specific rights on a particular group, nor impose any state on how it operates. Thus, "soft law" in the international legal system plays an important role because it allows states to adopt and recognize broader, flexible rules and commitments before reaching agreement on more specific rights and obligations (See Malcolm Shaw, *International Law* [Cambridge: Cambridge University Press, 2008], 43–128).

[28] See Ekow Yankah, "The Force of Law. The Role of Coercion in Legal Norms," in *The University of Richmand Law Review*, 42:5 (2008).

[29] See Herbert Hart, *The Concept of Law,* 2nd ed. (Oxford: Oxford University Press, 1994).

[30] See Martin Dixon, *Textbook on International Law* (Oxford: Oxford University Press, 2005).

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itself is not sufficient to motivate all actors to comply with it, introducing sanctions and using them as threats may increase compliance and protect those who obey the law.

This would mean that the law's effectiveness at the national level depends largely on the application of criminal sanctions against individuals, and on voluntary recognition at the international level. The ontological difference between national and international levels makes reliance on coercion much more problematic.[31] It may be questioned whether sanctions and coercive measures are necessary to achieve effectiveness comparable to the effectiveness of national law. However, no matter how this theoretical dilemma is resolved, it is difficult to deny the fact that, in international law, sanctions are recorded and applied by the international community, even if they are not always effective or enforceable.

Today, it is hard to say that international law is limited only to order and is not about justice. Since the Second World War, not only states but individuals and organizations have been recognized as subjects of international law. The set of human rights and their empowerment in international law has increased their enforcement. Recently, steps taken in the direction of bringing individuals to criminal liability for violations of human rights show that there is a consensus shared by the international community regarding individuals' obligation to comply with these rights. What is more, international law increasingly addresses global regulations, limiting the way a state can behave within its territory (environmental laws or EU regulations). Due to these changes, there are more opinions that international law may be slowly transformed into a system of supranational law including not only classical problems of an international order but also issues of global justice.[32]

Conclusion

I have pointed to arguments that, in my opinion, convincingly support the approach that the contemporary position of international anarchism is burdened by internal tension, which leaves its supporters unable to confirm the initial and postulated discrimination between domestic justice and international anarchy. The example of Nagel's reasoning is paradigmatic, as the protection of human rights also emerges internationally. Thus, although international anarchists have been linking justice with the

[31] See Anthony D'Amato, "Is International Law Really 'Law'?" in *Faculty Working Papers*, 103 (2010) <http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/103>.

[32] Jean Cohen, "Sovereignty in the Context of Globalization: A Constitutional Pluralist Perspective," in *The Philosophy of International Law,* ed. by S. Besson and J. Tasioulas (Oxford: Oxford University Press, 2010), 261–280.

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political legitimization of state power and institutions in a given territory, they recognize the legitimacy of international institutions securing and regulating such issues as war, humanitarian aid, trade, and so on. When we take a closer look at Nagel's reflections, we see that he recognizes that most human rights are universal and that the obligation to protect them does not depend on special institutional relationships. As he states, "Political institutions create contingent, selective moral relations, but there are also non-contingent, universal relations in which we stand to everyone, and political justice is surrounded by this larger moral context."[33] This moral minimum does not depend on the existence of any institution that connects us with others. It sets the boundary for others to achieve their goals freely and demands protection when the freedom to implement them is at stake. Nagel's concept in this dimension is based on the anti-realistic idea of moral action in international relations. This type of activity is not related to anarchy in the style of Hobbes, i.e., war of all against all, but rather to Locke's anarchy, expressed in the slogan "live and let live" (a decisive aspect of competitiveness and competition, not hostility).

In other words, the tension in the theory of international anarchism is based on the lack of consequence related to the inability to maintain a postulate based on accepted assumptions. If we recognize the need to safeguard some sort of moral minimum on a global scale, it is imperative to secure and enforce this minimum, which is impossible without the establishment of international institutions. If institutions such as those existing temporarily help to protect the minimum, then it is difficult to say that the duties of morality or justice do not apply in international relations. An anarchist definition of justice limited to the state alone seems to be too narrow in this situation.

Another problem constitutes the fact that morality and justice are attributed to inter-state relations, actions that are compatible with strength or self-interest, and international relations. But if, as Hobbes wants, power creates the law, and thereby justice and morality, these values even within states would not really matter. They would only be a veil for political decision-making or the interests of the majority in the state. International anarchists do not, of course, agree with this conclusion, recognizing that there is no freedom in applying force and that justice is based on a specific axiology. It, therefore, seems that, to avoid this reductionism, anarchists necessarily have to recognize the existence of a moral minimum in international relations. Then, however, we return to the above-described problem with the definition of justice and the question of why liberal-based actions and institutions, secured in a different way than within the state (not by coercion, but by

[33] Nagel, "Problem of Global Justice," 131.

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voluntary commitment to comply with them), are not to be called righteous and just?

In summarizing the above considerations, it can be stated that in the contemporary discourse under the normative theories of international relations, the idea of anarchy encounters several complex problems. One is the ambiguous understanding of this category itself. Anarchy can be perceived as a state of war or as the inability to guarantee the same rights as in the state as a state without any rules. All these meanings change the understanding of what is happening between states and how they can behave according to the principles they consider fair. The second problem lies in the relation of anarchy with other principles that construct contemporary theories of international relations. How can the indisputable ideals of state sovereignty and anarchy, understood as the state of war, be consistent? The answers of international anarchists seem to be non-coherent within their framework of analysis because once we recognize the role that states play in sovereignty, we must reduce anarchy by advocating for peaceful international cooperation and agreeing to abide by it. Thus, we are moving in the direction of decisions that go beyond the state of anarchy, or we recognize that anarchy is something that determines relations between states and that sovereignty of states is always threatened by war.

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