

## Elements that impose limits on international ethics

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### Abstract

*In order to function, the ethical norm creates a system, called and known as an ethical system. It is separated from the legal system, as the ethical norm is separated from other types of norms or law. The comparative model allows us to see to what extent there are common elements of construction and operation of these systems to see if they are the ones that impose or limit the international ethics. Only after reviewing the characteristics of international ethics we will be able to evaluate these limits through several dimensions in which ethics is encountered or invoked (human rights, humanitarian interventions, non-proliferation etc.).*

**Keywords:** ethics, international law, ethical system, limits

### Introduction

In this article I intend to determine what are the elements that impose limits on international ethics and to determine the extents to be taken into account where ethics can be relevant. In considering Rawl's "veil of ignorance" (1999) the question that arises is whether ethical principles in global affairs are principles of interstate or universal relations? Stanley Hoffman (1981, pp. 5-15) believes that this framework of analysis requires constant reference to the relationship between "state vs man", "nation vs. individual". Realities encountered in states, where even in consolidated democracies we find differences in status, wealth, power, influence, etc., we realize that they are also encountered in international relations. However, Hoffman (1981) argues that in constitutional democracies there is a right to "equal participation, both from the civic, economic and legal point of view," but instead, in the global affairs, equality between states is accepted as a "formal norm".

In discussions and debates about international ethics some dilemmas or questions are inevitably arising. What are the way and the place where we can discuss or apply the preoccupations, imperatives or limitations of international affairs? Where and under what conditions the ethical norm must or should manage the relations between states? What is ethics accepted today in international affairs, and how can this be achieved? What are the consequences of introducing the elements of ethics in

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international affairs? In order to answer these questions, we need to evaluate the limits imposed by moral choices, taking into account the social structure, especially since in international relations the moral element is hardly perceived by the politics.

Ethics involves conduct and behaviour and thus for analysing international ethics, the differentiation proposed by E.H. Carr between *individual behaviour* and *group behaviour* is necessary (Carr, 1945 in Hoffman, 1981, pp. 5-15). Individual behaviour is perceived as a moral behaviour, with altruistic tendencies, as this type of behaviour is appreciated and later rewarded. However, group behavior generates selfishness (Hoffman, 1981). Selfishness comes from the moral agent, member of a group, and who can develop selfish behaviour inside the group because of competitiveness or, on the contrary, selfishness can be a characteristic of groups in relation to other groups.

The differences between the two types of behaviour are also reflected in international relations. Moreover, national leader's moral behaviour is different from his behaviour in foreign relations. Hoffman argues that these differences are driven by the dynamics and challenges of international affairs that have a different nature and require another behaviour. He believes that selfishness should be seen as a limitation of action, and not necessarily a way in which purpose and outcome is achieved. Personally, I add that selfishness causes a restriction on how you can juggle between possibilities and implicitly develop. Interaction and interdependence between agents and actors is inevitable, and selfishness leads to isolation. It is well known that ethics and its scope is very limited in international relations and is determined by the absence of an international code of ethics but also by the presence of competitiveness (Hoffman, 1981).

Behaviour and ethical norms are linked, and must be studied together. The reason why there must be an integrative and common approach to behavioural analysis is clarified by Sara Jhingran in *Ethical relativism and universalism*. By quoting Reginald Radcliffe-Brown, the author claims that all behaviours are part of a whole, so we cannot make an individual analysis, but one of the whole (Radcliffe-Brown, 1945 in Jhingran, 2001, p. 5). The culture of a community, Jhingran (2001) argues, is interdependent with other cultures, and they together form a whole, so that "a certain aspect of a culture cannot be explained or understood without considering the whole cultural context." In this case, we are dealing with the notion of "socio-cultural compatibility" because the culture of each society is "the result of interaction". There are characteristics and traits specific to each culture, with their own values, and being interested in other cultures, give birth to a "superstructural culture". This structure is "a functional unit in which the components contribute harmoniously to its existence and continuity" (Radcliffe-Brown, 1945 in Jhingran, 2001). Social elements such as morality, religion, norm, etc. need to be analysed only in relation to this socio-cultural structure in order to establish the "direct or indirect relationships" that they have with the structure (Jhingran, 2001). Edward Sapir

(1949) said that "the worlds where different societies exist are different worlds, not the same world with distinct labels" (Jhingran, 2001). What the author is trying to underline is exactly the diversity in societies, where "ethical norms, global visions and perceptions are different". But the interdependence between them determines their integration into a unity, and this integration is determined by culture. In this respect, ethics as a component of culture cannot be "understood or evaluated differently from the world or society to which it belongs". Thus, "cultural relativism also implies ethical relativism" (Jhingran, 2001).

### **Ethical issues across cultures**

Over time, international ethics or ethics in international affairs has not been of major importance, in most cases irrelevant. The dichotomy of human rights and interest or power has given rise to a major interest in how ethics can address some of the issues of the relationship between them in a world of pluralism (Ronalds in Horton and Roche, 2010, p. 13-15). From ethics of *just war*, we have come to an international normative architecture where *ethical relativism* and *ethical universalism* are the most important themes of international ethics. In the next part of this section I will analyse the two themes, going from the characteristics of ethical relativism to the universal, in order to figure out to what extent they are contradicting or completing. Ethical relativism is determined by cultural relativism that is built up by "the diversity of moral beliefs, customs, norms, or values found in a society, community, or international system" (Jhingran, 2001). This cultural diversity led to the emergence of the theory of cultural relativism, which dealt with the differences in cultural values existing in different societies. In addition to cultural diversity, another concern of relativists was the analysis of "integrative capacities of cultures" or the way in which each culture "manages to assimilate aspects and characteristics of other cultures" (Jhingran, 2001). This process of borrowing and cultural assimilation leads to that "unitary and homogenous cultural system that integrates various autonomous cultures" (Jhingran, 2001).

It is important to note that in the analysis of cultural relativism is applied what *is* and not what it *should be*. The explanation for this approach is that "cultural diversity is a manifestation of being, but the existence of cultural pluralism does not threaten moral obligations" (Amstutz, 1999, pp. 15-18). I believe that what it *is* does not exclude what it *should be*. Just because it is a cultural pluralism, it should be a unitary integrating system. Mark. R. Amstutz (1999) points out that "social and cultural pluralism is generally not concerned with the main norms but with the secondary ones", referring to those moral values or norms shared and supported by all social or cultural communities (rights, liberties, etc.). The secondary character of moral values or norms is not a disregard for them, and does

not mean they are less important. They are secondary because they are common with other cultural communities. Those moral values and norms that are considered to be main have this characteristic precisely because they are specific and representative of the respective community. The main ones cannot be common, so they have a preeminence in the cultural definition of that community. The secondary ones are those that define the relation with the others, and which become the main in the unitary structure.

Michael Walzer, in the *Just and Injust War* (Walzer, 1999 in Amstutz, 1999, pp. 15-18) registers them as "minimal morals" in comparison with the "maximum morals" that can be found within each community. They are minimal morals because there are few, but they are common. These minimal morals include rules that support social life (Amstutz, 1999). In order to understand Walzer's "minimal moralities" I suggest to take into consideration the main elements and characteristics of the ethical systems that have developed over time. Depending on the culture in question, Harry Redner (2001, pp. 47-63) sets out four types of ethical systems: *moral-religious ethics* (morals appear almost simultaneously both in Western Europe and in Asia, in Judaism and Buddhism), *civic ethics* originating exclusively in the West of Europe, rooted in Greek polis, *ethics of responsibility* and *ethics of honor*, specific to China and Persia.

The culture of a society has several characteristics, but one of the most important elements supporting its creation and definition is the *ethos*. *Ethos* is not synonymous with ethics, it only helps to create it. Ethos can be perceived as an "anthropological concept" being met in every culture "concerned with conduct and behaviour, or with a lifestyle". *Ethos* means all those interacting social activities that lead to conduct. According to Redner, all communities have *ethos*, even tribal and primitive, where "pre-ethics systems" have developed (Redner, 2001). Ethics can only emerge from a "pre-existing civic ethos". It is necessary to determine under what conditions the transition from ethos to ethics, from primitiveness to modernity has been made, since not all societies have developed ethics.

To analyse the ethics and the way in which ethical systems are born, the historical perspective shows us that it has been a long process, which certainly has not been completed or will not be completed soon. Social conduct was an important benchmark on the Asia-Africa-Mediterranean axis, which after the sixteenth century could be defined as a global system. The first ethical system appeared in the Middle East, and the development of these systems, from the Mesopotamia and Egypt, continuing with systems projected by Francesco Vitoria (XVI century), that of Kant (18th century) and culminating with Apel and Habermas (19th century), all tended to a universality. However, in describing the ethical theories of the universe, Wilhelm Wundt (2006, pp. 5-13) speaks of three major periods of ethical systems development. The ancient period in which an ethic rooted in popular

consciousness has developed in an ethic of virtue. The second period was Christian ethics (personally, I would call it religious ethics as its elements can be found in several religions) through which an ethics of custom has developed. Finally, the modern ethics of moral principles and morality, by trying to differentiate itself from religiosity. By analysing the Axis communities, we find that different *ethos* have been formed, determined by the existence of different social groups and behaviours. *Ethos* was not a consequence of action, but the desire for universality led to the emergence of ethics, because the need to impose and claim behaviour was reached. The new systems of ethics that emerged in the Axis Age can be compared firstly from a religious perspective (Judaism, Buddhism, Persia), and secular (Greeks, and China, where legal-political morality, natural law, rule of law were similar concepts) (Redner, 2001).

In the Greek polis, civic ethics developed, almost concomitantly with the development of a civic ethic in Imperial China, later known as *Confucianism*. Also, in India, the development of the ritual *brahmin* by the worship of Krishna was accomplished like the Roman Empire was inclined towards *stoicism*. In both Israel and India, the religious *ethos* has developed almost simultaneously. In the case of Israel, the Torah was initiated, which later played a key role in the development of European morality. In India, *Jain* was formed together with ethics promoted by Buddhism, which also stood in the formation and construction of Oriental morality. In Persia, there was the ethics of honour, which was also found in other Arabic areas, whose specificity was the participation of aristocracy as a model for this type of ethics (Redner, 2001). Surely the emergence and development of *ethos* in a social system suggests and demonstrates the ability of individuals, groups or communities to self-indulge, the *ethos* representing maturity and transformation and capacity of evolution as it constantly presupposes the analysis and evaluation of goals, beliefs, values, quality, etc. of that society.

Peter Singer (1991) historically describes the evolution of ethical thinking and practice, and the development of ethical systems in the landmarks of human civilization. In Mesopotamia, the legend surrounding Gilgamesh shows us how the ethical system has developed from the recognition of the limits of life, so that virtues are what must be exploited. In ancient Egypt, ethics was represented by the *ma'at*, which meant justice, and which was applied according to the beliefs of the existence after death. Jewish ethics was closely linked to religious values, with the patriarchate being considered as the main milestone. As for ancient India, *dharma*, as a convergence of the cosmic moral order in the cause-effect relationship (karma), becomes a correspondent for ethics. The ethical system in Chinese Ancient Buddhism consists of free will, distinction between good and evil and the appropriation of consequences. European Western ethics, unlike the Chinese Classic, makes the difference between rational and emotional for the individual. Man's behaviour is determined by reason, desires, and

interest. Chinese ethics have a more social approaching “*way*” of integration by referring to a system of cohabitation and the role of each individual in such a structure.

Instead, Christian ethics promotes a kind of ethic of reciprocity, and Islam promotes a divine ethics applied by man. Unity and diversity are two major important aspect in the ethics of Islam. Three categories can be found in Islamic ethical thinking about international relations: first of all, nationalist Islamists who do not want any derivation from international religious politics in relations with other international entities. The second category is the international Islamists, who are trying to reconcile the Islamic ideals with the geopolitical realities and contexts through transnational relations. Cosmopolitan Islamists support the notion that there must be no differences within Islam, in states and communities, precisely because they will be weaker before other groups (Hasmi, 1997 in Nardin, 1998, p. 219).

Geoffrey Vickers (2015, pp. 327-329) argues that history can be described as "a succession of redefining what is unacceptable," as he says, it is easier to "agree on an unacceptable thing than an ideal." Understanding this mechanism allows us to better analyse the alternations that have taken place in ethical systems over time. In all ethical systems that have formed, it has been found that "ethical standards are very conservative", as they propose "personal and mutual expectations" that lead to the creation and organization of a society. These ethical standards, according to Vickers (2015), have a systematic organization with a capacity to perpetuate and resist external disturbing factors, but that does not mean that an ethical system is not at risk of self-destruction. The problem with these conservative systems is that they do not have the ability to evolve properly, taking into account other external tendencies, in front of which they "resist". At most, these systems are capable of reinventing itself, but this process is internal, and the transformations are also based on system values, but redefined or reconsidered.

Each ethical system has to do with the major difference between what it *is* and what it *should be*, which is "a matter of normative character". The difference is "necessary and unavoidable," but if it becomes too large then "the legal or ethical system is compromised." That is why the boundaries of international ethics should "begin with something that *is*, come to something that *should be*, and in which ethics of politics should be an ethic of consequences. Three important elements ethics should have: *result*, *means* and *self-limitations*. These three elements matter precisely because in international relations there is "a long line of means and results" and their selection must be made taking into account the capacity of the international actor to self-limit, so the results wanted and the means used to get them, must not disturb anybody (Hoffman, 1981).

To begin with, each ethical system is like a "coherent entity" that excludes any kind of "inconsistency element" within it. However, in this process of continual transformation and

redefinition it is assumed that elements of the principles upon which they are founded remain in the collective mind and in the consciousness of those who have experienced them. When the system shows uncertainty, weakness or saturation, changes are taking place, in which those old social consciousness are brought back into question because of the inconsistency or inadequacy proven by practice. After a period of confusion, a new ethical system is born, not only in response to the new circumstances, but also as a reaction to the old values that have been excluded or rejected (Vickers, 2015). It is a process by which the old principles are put in a relationship or antithesis with the new ones. Transformation is done by invoking old principles, to change the new ones, to introduce new ones, which in turn will be old. As I said above, ethical relativism, like cultural relativism, forms a unity, a whole, or rather an ethical superstructure. As with ethical systems, this superstructure can be subject to permanent change. There must be a continual transformation in which the new is challenged by the old to become the old who challenges the new. The theory of ethical relativism is important to understand cultural pluralism and implicitly to find explanations of how systems come to interact with each other.

Unlike ethical relativism, a universal ethics takes into account those universal rights, *jus cogens* that I have analysed in the preceding section and which lead to a universal ethical system. Theoreticians of universalist ethics claim that "conflicting opinions leading to moral misunderstandings are needed, precisely because of the lack of well-established knowledge." The theory of ethical universalism states that "identical actions can even lead to different effects in particular contexts." Other universals have a stronger version of the approach, arguing that "individuals and cultures do not differ so much in terms of ethical goals" (Gorecki 1996, pp. 28-32). The most important feature promoted by ethical universality is that "the norm is rooted in human character" (Gorecki, 1996).

### **Perspectives on international ethics**

Ethics in international relations refers to "the ability to identify, enlighten and apply relevant moral norms" so that "rules, practices and institutions of global society are established", ethics being concerned with the "moral architecture of the international system" (Ward, 2001, pp. 4-10). It should be noted that there is a difference between how ethical perception must be perceived from the standpoint of the foreign policy of states and its concerns in international system. Mark. R. Amstutz (1999) argues that the morality of foreign policy and, implicitly, the ethical conduct of states in relations with other actors, is more concerned with the "role of ethical norms in international relations". But international ethics takes care of "justice in global affairs, legitimacy and influence in

international politics". The external actions of states can be assessed as ethical or not (Amstutz, 1999). For example, ethics in security dimension has had minimal implications. Often, it was incompatible to discuss ethics and security in the same way. The ethical nature of the norm has over time been used outside the field of security studies (Ward, 2001).

Foreign policy analysis from an ethical perspective should not be understood or made strictly as normative. The ethic of foreign policy sets the rationale for understanding how far it extends beyond the borders of the state. Approaches in this case are well known and shared among realists who argue that "the applied ethics and moral duty of a state is on its citizens," while the Kantian (liberal or cosmopolitan) vision supports the global political community, where humanitarian ethics must be first.

Between these two there are different, gradual and equilibrium attitudes, powers and interests of states that "oscillate between self interest and the needs of others" (Chandler and Heins, 2007, pp. 5-23). The ethic of the state and its foreign policy has often been assimilated to the morality of political leaders or the political elite in general, whose morality is reflected in the morality of the state's external action (Jackson in Nolan, 2004, pp. 17-25). Charles Taylor argues that there must be no "conflict" between ethics and politics, conditioned by the situation where the entire political community is "united by mutual obligations." International ethics has often been identified with the "political community or hegemony" (Taylor, 1991, Durst, 2004 in Chandler and Heins, 2007, pp.5-23), the invocation and existence of ethical principles in international relations, in the dynamics of globalization, suggest that we need to constantly realize that there is a difference between the individual and the citizen (Falk, 1995, Linklater, 1981 in Chandler and Heins, 2007, pp. 5-23). To admit this difference is to realize that international ethics does not take account of citizenship or belonging, but that it represents that mechanism of uniformity of ethical principles being equally applied to all.

However, in connection with the statement that international ethics implies "rules of conduct and behavior," Hoffman (1981) wonders who is the addressee of this behaviour. Compared to who requires international ethics to behave? He maintains that the answer to the question can be given both vertically and horizontally. The horizontal is in fact the eternal dilemma of relativism in which "tolerance for diversity must not be confused, with the acceptance of practices and policies that can be harmful". What Hoffman (1981) is trying to say is that the practices of others can be accepted as long as they are moral. The example used by Hoffman is that of extremist regimes choosing to have separate social policies that can be tolerated and accepted as long as they do not violate fundamental human rights. Instead, the vertical version of the answer analyses whether the rules imposed by the principles of international ethics are made in favour of states or individuals. Although he has a



cosmopolitan approach, Hoffman appreciates that both sides are equally important. We cannot neglect human rights or the needs of the state, especially as there is a relationship between these rights and the interests promoted (Hoffman, 1981).

In support of this idea, Fiona Robinson (1998, p. 73) believes that human rights should not be the only concern of international ethics. Moreover, human rights must not be the primary concern, as it neglects other aspects of international ethics, and this distraction may be more damaging to these rights. The proposal is not to fall into extremes and to consider strict international ethics as a set of rights as it would mean "over-sizing the field of rights as a moral concept" (Ruggiero, 1992, Neufeld, 1996 in Robinson, 1998, p.60). An interesting and appropriate approach to global ethics is that interpreting and implementing must be done contextually, taking into consideration the human rights discourse. The concept of rights falls within the discourse of a norm or international system, and international rights-based ethics can only be individual, considering the individual as a moral agent. That is why contextually allows the elimination of "common humanity" and focuses on differences, the ethics being the goal setting (Robinson, 1998).

Human rights differ from other traditions in international ethics, and it is erroneous to be considered as a *lingua franca* of international ethics, just because it is an ethical concept more often invoked than others. The human rights discourse ensures the protection of the plurality of interests, and it can even arise from these interests in defence of human rights (Vincent, 1992 in Nardin and Mapel, 1992, pp. 265-266). The major challenge for international ethics is "accommodating tensions between particular and universal" (Rodin, 2010 in Williams, 2015, p. 169). Rodin speaks of two binary positions of international ethics: "ethics of humanity and ethics of human being" (Williams, 2015). *Humanitarian ethics* refers to those principles and values that states must respect in their relations with other states. The difference from *human rights ethics* is that the latter refers to the relationships that states have with individuals. We can also add here the relationships between international entities and individuals, whether they are international organizations, corporations or NGOs (Evangelista, 2008).

In international relations, there are many more limitations, requiring an "ethical reasoning" to understand and respect them. In order to achieve ethical reasoning, it is necessary to "identify moral dimensions, select relevant moral norms, analyze the situation through the moral filter and alternate application of the best variants" (Amstutz, 1999).

An important mission of international ethics is the formulation of these rules, on the basis of which an international conduct could be organized, monitored and sanctioned through institutions of "moral relevance". International ethics is concerned with the moral architecture of the international system, as in models and moral structures of global society. International ethics establishes fairness

in the world economic order, justice in global institutions, and mechanisms of control, evaluation and implementation, "being concerned about the implementation of global society rules and structures" (Amstutz, 1999).

Some authors, such as Mervyn Frost (2009, pp. 10-22), consider that there are sufficient reasons to believe that the constraints and limitations of ethics in international relations are very obvious. By approaching a realistic perspective, interest is considered to be the main determinant in the interaction between international actors, ethics being a secondary or even insignificant cause. Ethical standards also lead to differences of vision that prevent us from realizing or concluding whether they are even constrained. In global affairs, all actors agree that relationships are conventional, being more "pragmatic than ethical." Conflicts between international actors are another cause for international ethics limits, precisely because time and effort are not given to discuss about ethics. Another important limit of international ethics is given by the fact that it is subjective, being analysed by its own conception and vision of what defines and characterizes international ethics, and this prevents the uniformity of ethical opinions and policies, globally.

On the other hand, the dynamics of international ethics is not always a quick process, and it takes time to introduce ethics into the behaviour of actors, to have mechanisms and instruments to institutionalize ethics. The process is irreversible and constantly evolving, as certain ethical criteria, once introduced, will attract others. "Institutionalization has two important consequences": first, the new criteria and standards will be taken into consideration for the next and future actions, so the analysis will be carried out on them. Second, the ethical criteria introduced imply other ethical criteria, which are constantly changing, and once standardized, they will allow the introduction of new arguments (Crawford, 2002, pp. 105-107). The receptiveness to ethical arguments is given by the way in which actors "are aware of their own identity and the normative beliefs that are brought to them"(Crawford, 2002). That is why the ethical consciousness of humanity can be transformed when it experiences changes or risks, being a universal and material principle of ethics (Dusse, 2013, pp. 20-55).

In a Kantian perspective, we could say that "ethics is formed before politics"(Franke, 2001, p. 53) and international ethics, more than the national ethics, imposes "the necessity of moral conflicts in order to balance implausible expectations" (Fishkin, 1986, p. 11). "International ethics should not be perceived as something that adds to global politics (Walker, 1993 in Heyden, 2009, p. 420) but must be seen as a "constitutive force of social reality", demonstrating aspects or elements specific to global politics and analysing its effects and implications (Brasset in Hayden, 2009, p. 420). International ethics are a "complex ideological and philosophical set" that supports the construction and protection of ideal norms that guide interactions between people and communities. The debate

on international ethics highlights the perspective of the moral foundation of communities. But given the complexity of interactions between different systems and international actors, disagreements may arise in this diversity. International ethics is not just the sum of values, beliefs, or ethical practices, but it aspires to a unit of globalization. That is why, through the theory of natural law, international ethics succeeds in finding its legitimacy as a "source of universal moral values" (Boyle, 2004, pp. 2-5) and the solutions offered by the positivist legal order, is the creation of structures in an international legal order that has the role of "administrator". These efforts have been successful lately with the establishment of several specific entities. Through the naturalist model and positivist practice, the two theories help to legitimize international ethics, both as a source and as a model, setting limits for actors' conduct in global affairs.

## Conclusions

Ethical principles create traditions that, as Terry Nardi says, are "flexible but not changing" (Nardin and Mapel, 1998). To think ethically means to pass the analysis from general to particular, because ethics involves principles, but besides them, it also presupposes interpretation, choice and action. There are many ethical concerns, often contradictory and irreconcilable, so international ethics cannot be limited to "good or bad actions." There are some actions that can be considered as having a restricted ethical character, but which take into account the applicability of principles, and behaviours. Other actions, however, are more concerned with the effects they have to produce, not necessarily with the applied principles. That is why "international ethics must not be limited to value judgments" (Nardin and Mapel, 1998).

By issuing valuable judgments, we make ethical judgments that involve their analysis, understanding and interpretation, and how they can be reconciled. Through these "we risk doing more analysis than an evaluation". We can do descriptive analysis of the implementation of the ethical principles of communities, or only on the effects that have occurred within them (Nardin and Mapel, 1998).

For example, policies of interventions by the international community do not necessarily refer to "practical or ethical effects of fragmentation or interdependence." Particular cases of intervention are contextually different, and cannot be passed through a filter of analysis and ethical interpretation. National systems and the international system are undergoing continuous change. With close interdependence, inevitably states will intervene in the domestic affairs of other states. However, the possibility of predictive ethics of intervention is excluded. The old ethical "foundation" arguments no longer work when it comes to intervention (Rengger in Hobbes and Hoffman, 1993, pp. 187-191).

With the dynamics that exists in the states, both interests and ethics are constantly changing. International ethics is not the whole international system, it is not identical to coercive measures or to international justice. Through international ethics, those norms are set to anchor international law in those values, identities and ideals that have led to its emergence.

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