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Making Sense of the "International Community"

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Introduction

Discourse on global affairs often refers to the *international community*. Statesmen sometimes exhort it, as in "the international community must act"; they sometimes lament its passivity, as in "the international community has done nothing"; and sometimes they speak in its name, as in "the international community condemns this outrage."

When an earthquake devastated Haiti in 2010, the "international community" mobilized its resources for disaster relief and rebuilding efforts.[1] When a repressive government in Myanmar kept one of the world's leading human rights and democracy activists locked in prison, the "international community" condemned the persecution and mobilized to put pressure on the ruling junta.[2] When postelection ethnic clashes in Kenya in 2007 and 2008 threatened to escalate into atrocities on a mass scale, the "international community" sent emissaries to help defuse the tension.[3] When Serbian strongman Slobodan Milosevic threatened ethnic cleansing in the secessionist territory of Kosovo in 1999, the "international community" came to the rescue of the imperiled Albanian Kosovars.[4] When the SARS (severe acute respiratory syndrome) plague broke out in China in 2003 and threatened to turn into a global pandemic, the "international community" mustered its resources to identify a cause, develop treatments, and isolate those infected.[5] As forces loyal to Syrian dictator Bashar al-Assad shelled civilians in the rebel stronghold of Homs in 2012, the "international community" struggled to find a response.[6]

In no two of the cases just mentioned, from Myanmar to Kenya, does the term "international community" refer to precisely the same grouping of constituent parts. Yet there is clearly a common meaning to its use in all of them. So what exactly *is* the international community? Where did the understanding of it come from?

International politics is more than the sum of state interaction in pursuit of national interests. Nonstate organizations and institutions, as well as international organizations and even individuals operating without state sanction, have played a significant role. From time to time, these actors join states in pursuit of a commonly held sense of the good. The unanimity of purpose and the content or the good pursued reflect the classically liberal desire to apply universal moral principles. Though many invocations of "international community" fall short of this aspiration, at its best the international community is the embodiment of liberal normative ideals exerting an influence on international politics.

From Theory to Practice

A proper understanding of the international community begins with an examination of how such an entity might fit into the theories that attempt to explain international politics. These theories of international relations begin with the observation that the distinguishing characteristic of the international system is the absence of a sovereign power over states. In fact, this absence of global authority precedes the development of the modern state system.

One modern school of international relations theory, neorealism, describes this condition as anarchy. A state has nothing to rely on but itself. Its pursuit of its own security creates conflicts with other states pursuing security. The result, to quote the title of John Mearsheimer's book, is "the tragedy of great power politics."[7]

Another school of international relations theory, liberal internationalism, explores the ways in which states, specifically liberal or liberal-leaning states, can act together to shape an international order that is itself liberal.[8] States can agree on international law they accept as binding and on juridical mechanisms for resolving their disputes.

Typically, this is achieved through the establishment of international institutions that can help nudge the behavior of states in a liberal direction. One example of such an institution is the United Nations Security Council, which United Nations (UN) member states granted "primary responsibility for the maintenance of international peace and security."[9] Other examples are the World Trade Organization (WTO), which member states have granted enforcement powers in the case of trade disputes; and the International Criminal Court, designed to hold accountable perpetrators of atrocity crimes such as genocide and ethnic cleansing when national courts are unavailing.

A newer perspective on international relations theory is constructivism, the central premise of which is that "anarchy is what states make of it."[10] Conflict can indeed ensue from the international system, but need not automatically ensue as an inherent property of the system. States can be "friends." This is a quasi-sociological perspective that delves deeply into the roles that shared ideas and identity have in shaping international politics, often in accordance with liberal norms.[11]

None of these theoretical perspectives maps directly onto foreign policymaking by real-world governments and policymakers, nor are they really intended to; collectively, they constitute a more basic argument about how international politics works. Nevertheless, these perspectives are indeed associated with approaches to policymaking, and each one yields a distinctive approach to the idea of an international community.

The realist perspective effectively dismisses the concept as an oxymoron in a world of states pursuing their national interests.[12] As Richard N. Haass writes, "those looking to the international community to deal with the world's problems will be disappointed."[13] The simple description of the international community would be "nothing of consequence." There remains ample room in this perspective for states to act together, perhaps by bandwagoning with a bigger power to fend off a hostile

power, perhaps by joining with others to balance a bigger power. The result is concerted international action—but hardly an international community in the sense of the examples offered at the outset.

The liberal perspectives, by contrast, whether institution or values oriented, allow for the possibility of a consequential transnational grouping of states on the basis of liberal ideas and affinities shared across international borders. But the extent to which states sharing ideas constitutes an international community, let alone *the* international community, remains obscure.[14] Liberalism is, in principle, universal in its aspirations, but there remains a substantial gap between universal aspiration and its actualization. Liberalism has an influence on international politics, and the influence is growing, but international politics can hardly be said to be generally liberal in character.

Although the constructivist perspective is most commonly associated with liberal normative aspirations, perhaps surprisingly, the neoconservative strain in American foreign policy has a distinctly constructivist character, especially with regard to the ability of the world's predominant power, the United States, to shape and maintain an international order with broad buy-in based on the values it embodies. From this point of view and the more traditional national interest–based conservative perspective, the international community would seem to be an object of suspicion—not on grounds of its existence per se, as in the realist perspective, but in the sense of the legitimacy of its constitution, of those who claim to speak for it, and of its precepts for action.[15] It is a kind of fraud perpetrated by a group seeking to extend its influence and advance its agenda by representing its views as those of all humanity. As such, the international community seeks to inhibit the ability of the United States to act on its own, or in concert with like-minded allies, in shaping international politics in accordance with its (liberal) values—or simply seeks to restrict the ability of the United States to act as it pleases as a sovereign state in pursuit of its national interest.

In viewing the international community, then, the policymaking perspectives discussed above have characteristic limitations. Realists cannot see the existence of an international community. Liberals tend to universalize a liberal normative agenda and call it the view of the international community regardless of dissenting opinion. Neoconservatives and conservatives proffer a critique of the liberal view in which the international community is an invention of dubious value to the United States when it is not, indeed, a menace.

These three perspectives offer insight into the problem of what policymakers and observers mean when they refer to the international community. But each of them is at best partial. A fully persuasive account of the international community would therefore have to persuade those of realist inclination that the international community has actuality that demands their attention at least from time to time; to persuade liberals that the tendency to universalize liberalism creates avoidable problems with the evocation of the international community; and to persuade neoconservatives and conservatives that the international community, properly understood, might be helpful in their ambition to shape international politics and to preserve American freedom of action.

This is a tall order. But a selective critical survey of views of the international community will help clarify the issues at stake, among them: Who is eligible for membership in the international community? Does the glue that holds it together consist of shared normative views of some kind, and if so, what are they? And how sticky is the glue? Or is the international community just a shorthand description for all the actors of the world, regardless of how they interact? Is the international community already a coherent whole as it is, or is it in the process of coming into being? Do we benefit most by thinking about the international community in terms of existing international institutions such as the United Nations? Is it better to think about international community in terms of international law

(a legal perspective), or is it better to think of international law in terms of a nascent and evolving international community (a sociological perspective), including what constitutes membership, who its members are, and whence its legitimacy comes?

Uncertain Terms

The phrase international community is in common parlance both among officials who have direct influence on international politics and among advocates who wish to influence its conduct and content. International community or one of its variants seems to have superseded a phrase common in the nineteenth and early twentieth centuries, the "family of nations." Countries were often said to be joining the family of nations by virtue of their increasing interaction with states presumably already members of this family and their increasing adoption of the norms shared by the elders.[16] Notwithstanding that the monarchs of European powers at the time were in many cases blood relatives, *family* is clearly a metaphor. The use of *community* and *society* seems to represent an effort to pin down the relationship among those concerned more precisely, or at least less metaphorically. Yet before we turn our noses up at the phrase family of nations, it might be worthwhile to consider the possibility that those who used it were trying to capture the same thing that people are reaching for today when they use the term international community.

INSTITUTIONS OF COMMUNITY

Scholars have noted that the use of the term international community, or something similar, grew markedly within international institutions in the decades following the establishment of the United Nations.[17] Some have pointed to the "inflationary" use of the term.[18] And, of course, one of the leading promoters of the idea of international community was the former secretary-general of the United Nations, Kofi Annan. In a widely quoted 1999 speech, he asked and answered the question "What binds us into an international community?"

> In the broadest sense there is a shared vision of a better world for all people, as set out, for example in the founding charter of the United Nations. There is our sense of common vulnerability in the face of global warming and the threat posed by the spread of weapons of mass destruction. There is the framework of international law, treaties, and human rights conventions. There is equally our sense of shared opportunity, which is why we build common markets and joint institutions such as the United Nations. Together, we are stronger.[19]

Here, institutions such as the United Nations are the locus at which the international community manifests itself.

The United Nations has not been the only institution to articulate a sense of international community. A similar articulation can be found, for example, in some of the holdings of the Permanent Court of International Justice, the body created by the Covenant of the League of Nations for the resolution of international legal disputes, and its successor, the International Court of Justice, which was established at the same time as the UN.[20]

In addition to the United Nations, a number of functional international institutions play a role in regulating international interaction in fields including aviation, trade, development, and telecommunications. It would make little sense to discuss the regulation of global air travel solely in terms of state actors, without reference to the International Civil Aviation Organization (ICAO), an organ of the United Nations. It's true that states created the ICAO by treaty and are members of it, but the body itself is certainly an actor that shapes international conduct in its sphere of competence. To the extent that civil aviation is ever a concern of the international community, it makes sense to consider the ICAO a member of this community. And it can probably be concluded that the will on the part of states to create the ICAO is clear indication that civil aviation is indeed a concern of *the* international community.

In *The Parliament of Man*, Paul Kennedy offers a history of the United Nations and its associated organs, suggesting that they embody the best hope of the international community for a truly global government.[21] The United Nations is the universal body for states. Yet Kennedy himself notes the need to reform the United Nations before it can make good on the broad promises of the preamble to its charter. Although there is arguably no higher standard for the legality and legitimacy of action on behalf of the international community than a unanimous Security Council resolution, one mustn't forget an essential characteristic of the Security Council: its five permanent members, each with the power to veto any Security Council resolution for any reason, including a perception of incompatibility with national interest. As one scholar notes, decisions of the Security Council "are essentially reflective of the self-interest of its permanent members."[22]

Nevertheless, the ability of such institutions to influence international relations in their own right and not merely as tools of states is an indication that the international community includes nonstate actors as well as states. And the fact that certain international institutions exist without rival in international politics—the United Nations, the International Court of Justice, the ICAO, the World Bank, and the World Trade Organization, to name a few—is an indication that *the* international community is at work in their creation and perpetuation. But this is not to say that every action on the part of such institutions is the work of the international community, though some may be.

A COMMUNITY OF LAW

States (or their precursors) have always sought to establish rules for interaction that elevate international politics to something higher than a permanent condition of, to quote Thomas Hobbes, the "war of every man against every man": Hobbes's description of the notional state of nature out of which—and against which—sovereign authority arises, and thus international law.[23]

One especially influential legal perspective on international community comes from twentieth-century legal theorist Hans Kelsen. He often refers to the international community, but he uses the term narrowly and specifically, to refer to states that are bound to each other by treaty or by customary international law:

> All the states are members of the international community constituted by general international law, and hence are subject to that law; and a state may, without losing its character as a state, be a member of an international community constituted by particular international law, i.e., by a treaty to which the state is a contracting party.[24]

For many specialists in international law, the question of international community is fundamentally a question of the states to which international law applies and to the individuals acting on the authority of a state. Kelsen does not require much in the way of sociology to account for the ongoing working of international law. Once we know that there is such a thing, the question of how it arose is of no pressing importance, whatever its historical interest. There is, for example, no general entry for "international community" in the index of the above-cited *Principles of International Law*.

For Kelsen, coercive authority does indeed operate in the international community of international law.[25] But it is the decentralized authority characteristic of primitive law, rather than the centralized authority characteristic of the nation-state with its courts and police forces. States can act on their own or with others in order to enforce international law. Or it may be that the law goes unenforced in certain circumstances, as when a violator is too powerful to be stopped. The inability of the international community to stop any and all violators is, to Kelsen, no indication of the absence of law, which holds in all cases that violators ought to be punished.[26] That they are sometimes not punished is only a product of the absence of centralization in the form of specialized organs possessing sufficient power to enforce the law.

Another influential legal theorist, Thomas M. Franck, is especially interested in the question of states' compliance with the rules of international order. He begins his analysis of how the international system works with the observation that "in the international system, rules are not enforced and yet they are mostly obeyed."[27] In his view, the reason for this is that these rules and the institutions that support them "have a high degree of legitimacy," which "exerts a pull to compliance" that is not "powered by coercive authority."[28] The compliance is voluntary, and it is also variable based on the perception of the legitimacy of the rule. If a state believes that a rule is legitimate, the state will adhere to it, perhaps even if certain other states do not.

Franck believes states do this out of a sense of obligation "rooted in the notion of community." He writes: "The international system appears to be evolving a rather sophisticated normative structure without police enforcement. A sense of obligation pulls states in the direction of compliance."

However, Franck is not content to end the discussion on the question of voluntary compliance. He continues, "Though states' *compliance* with the rules may be voluntary, states' *obligation* to them is not. Nations, or those who govern them, recognize that the obligation to comply is owed by them to the community of states as the reciprocal of that community's validation of the nations' statehood."[29] Here, "community" is doing the heavy lifting of providing the *ought*. Franck writes explicitly in opposition to Kelsen's invocation of decentralized coercive authority. But as a practical matter, this community-derived sense of obligation looks to be secured by a threat not readily distinguishable from that present in Kelsen's decentralized coercive authority—or perhaps is a similar work-around given the absence of such authority. Both Kelsen and Franck seem to be seeking in international law a sovereign power above states. If they have established that such a power exists, however, it seems at most a shared normative vision about the law: that one should obey it. Though this shared normative view may underlie the desire on the part of states and their agents to create international law, this collective will is something that the law as such does not provide.

Kelsen sees international law as binding on individuals through the mediation of the states that create it. Franck's position seems similar. Agents acting internationally on behalf of a state, including as head of state, are obliged to act in conformity with international law. The international community construed as states bound by law thus incorporates individuals as members as well, at least insofar as they are state agents.

It may be that state agents face domestic sanction for failure to act in accordance with international law. Here, the coercive power of the state reasserts itself. However, there may be instances in which no domestic law compels an individual acting as an agent of a state to comply with international law. President George H.W. Bush, for example, believed that he had sufficient authority under U.S. law to undertake a military operation to eject Saddam Hussein's invading army from Kuwait in 1990–91. He nevertheless chose to seek, and attained, Security Council authorization for military action. His decision to do so is best understood not as a case in which he was bound by international law, but as product of a will on his part to undertake the mission in maximal accordance with international law.

Another element of particular importance among international lawyers is agreement among states and their agents that certain types of political action, such as genocide and other atrocity crimes, are so offensive as to constitute crimes against humanity as a whole, and to which all governments are obliged to respond. These are known as *jus cogens* crimes, the "compelling law," out of which follow the *obligatio erga omnes*: "Above all, the characterization of certain crimes as *jus cogens* places upon states the *obligatio erga omnes* not to grant impunity to the violators of such crimes."[30] Pemmaraju Sreenivasa Rao argues:

> The concept of international community is at the base of the development of these two concepts which are being invoked frequently for the development and application of international law. It has also been a potent instrument in integrating the community of states and the peoples they represent into a composite legal community of mankind in as much as certain norms are set out as of higher and fundamental value to the community. The higher purposes and values represented by these superior norms, which are deemed nonderogable, constitute the basic elements of a world 'constitution'.[31]

The "compelling law" here has at its origin a shared normative conviction about how things should be. This conviction is something arrived at voluntarily.

Robert McCorquodale writes in opposition to what he calls "the legal doctrine that has dominated the understanding of the international legal system for centuries . . . [giving] complete prominence to the actions of States and ignor[ing] the actions of others."[32] He describes the state as a "legal fiction" whose supposed "actions and statements are actually made by an elite [group] of people who control decision-making inside a territorial boundary."[33] As with the state, so with the international community. McCorquodale shows how nongovernmental organizations, transnational corporations, and individuals have contributed to international politics in their own right and not solely as subunits of state actions. "Those participating in the international community will change depending on the nature of the issue involved (e.g., landmines and climate change) and the requirements of international life (e.g., regulating world trade). Similarly, as the international community changes and the areas governed by international law develop, then so will participation in the international legal system."[34] It is unnecessary to accept McCorquodale's description of the state as a "legal fiction"—in the modern state system, "legal fact" might be better—in order to accept the value of his contention that the international community includes actors that are not states, nor to profit from his observation that the international community is not a fixed and permanent entity but one whose properties and membership shift depending on the issue at hand.

The dominant state-centered legal doctrine to which McCorquodale refers and against which he argues is, in the view of Dino Kritsiotis, in the process of change. Kritsiotis notes "an incremental and

increasing turn within the discipline of international law from accounts of the requirements for statehood to the idea of the formation of an *international community*." He calls this focus on the individual rather than the state "a radical alternative."[35] Bringing individuals and nonstate groupings of individuals into consideration in thinking about international politics has substantial repercussions, but it would be "radical" only if we tried to quit thinking about states altogether. Otherwise, it seems not radical but eminently reasonable.

THE SOCIOLOGY OF COMMUNITY

The prism of international law is not the only one through which the international community can refract, nor necessarily the best. As we have seen, the will to comply with international law comes from somewhere other than the law itself, as the international legal system lacks the coercive power of national law. It is born of normative preference. To speak of the international community is to gesture toward a widely shared vision of the good and the will to act in accordance with it.

Bruno Simma and Andreas L. Paulus argue: "The assumption that a society/community could be held together by means of legal norms alone overestimates the capacity of law and, conversely, underestimates the necessity of a societal consensus as a precondition for the formation of, and particularly respect for, legal rules."[36] The more fundamental inquiry is into the societal consensus or community. This inquiry applies not only within national borders but across them, bringing the discussion to the sociology of community. Amitai Etzioni defines a community as "a shared moral culture and bonds of affection."[37] While the historical origins of *community* are local, there is no reason in principle why "a shared moral culture and bonds of affection" cannot exist across national borders. (Indeed, in the case of major world religions, the existence of such communities is well understood.) Here, however, it is not so much state action that forms an international community as people who voluntarily share a "moral culture" influencing states and setting the agenda of the international community. Voluntary cooperation therefore seems to be at the heart of the international community.

The voluntary and associational aspect of international community has also come to inform some contemporary legal perspectives. Harold Hongju Koh offers transnational legal process as the answer to the question posed in his title, "Why do nations obey international law?"[38]

> As transnational actors interact, they create patterns of behavior that ripen into institutions, regimes, and transnational networks. Their interactions generate both general norms of external conduct (such as treaties) and specific interpretation of those norms in particular circumstances . . . [such as treaty interpretations], which they in turn internalize into their domestic legal and political structures through executive action, legislation, and judicial decisions. . . . Domestic decision-making becomes 'enmeshed' with international legal norms, as institutional arrangements for the making and maintenance of an international commitment become entrenched in domestic legal and political processes.[39]

Koh's approach is avowedly constructivist. A shared vision of the good becomes in many policy areas a crucial driver of international politics.

Anne-Marie Slaughter takes a similar approach in describing the emergence of transnational networks of policymakers, regulators, jurists, and others whose collective interaction in their areas of

interest and expertise in turn shapes the behavior of their respective national governments and therefore international politics.

> Even in their current form, government networks promote convergence, compliance with international agreements, and improved cooperation among nations on a wide range of regulatory and judicial issues. A world order self-consciously created out of horizontal and vertical government networks could go much further. It could create a genuine global rule of law without centralized global institutions and could engage, socialize, support, and constrain government officials of every type in every nation.[40]

For both Koh and Slaughter, the associational activities of nonstate actors seem to be the glue holding the international community together; their interactions drive the decisions and policies of national governments. It is striking that both envision the processes they depict as trending in the direction of the "entrench[ment]" (Koh) of international norms in national practice and "constrain[t]" (Slaughter) on government officials to act in accordance with them. Both seem to be reaching for something more binding than voluntary adherence. Adeno Addis, also taking a constructivist perspective, proposes that the legal doctrine of universal jurisdiction, according to which a government can hold a perpetrator of a *jus cogens* crime accountable regardless of whether the crime took place on its territory or involved any of its nationals, can have a constitutive effect for international community.[41] Noting the connection of territoriality to both community and the idea of jurisdiction, Addis argues that universal jurisdiction (in addition to what he sees as its instrumental utility in holding perpetrators of atrocities to account) "is partly a process through which the international community imagines its identity."[42]

These constructivist perspectives give rise to an interesting conceptual difficulty: the fluidity between descriptive and normative views of the international community. If anarchy is what states make of it, then the international community is what its members make of it: the interaction of states with other individuals and groups of people constitutes the international community. But Addis, in proffering this view of universal jurisdiction, is not so much describing an aspect of international community as he is advocating for a more robust sense of international community, or identity, through the spreading acceptance of the idea of universal jurisdiction. The constructivist perspective seeks to obtain an *is* from an *ought*: if enough people (and the entities they create) act in accordance with their shared belief that certain principles *should* govern international conduct (or that transnational principles should govern all conduct), then those principles *do* govern international conduct.

The problem arises when people who seek a more robust identity for the international community realize the power of *ought* in shaping *is* and seek to hasten it along by saying that what they think ought to be actually already is. Here, it can become difficult to distinguish advocacy on behalf of a richer identity for the international community with a description of what the international community is. One might run into soi-disant descriptions whose purpose is actually polemical—to get people to accept a particular point of view as true. If enough people do so, then the polemical point of view becomes the truth.

Kelsen's references to "primitive law" are also telling. Although in Kelsen's view we need hardly be ashamed of the condition of international law as it is now—which is to say, a law that is permanent and binding on all states and individuals acting as agents of a state—we can perhaps foresee a greater degree of centralization of the coercive enforcement power of the international community over time. Kelsen's insistence that international law is indeed backed up by coercive authority, albeit de-

centralized, is perhaps best understood as the judgment that international law ought to be backed up by coercive authority.

Etzioni, for his part, also foresees the expansion of "Global Authorities" to deal with transnational problems. He sees a de facto "Global Antiterrorism Authority" as having emerged in the aftermath of the 9/11 attack and its possible evolution into a broader "Global Safety Authority."[43] International cooperation in opposition to groups that use terror tactics is not primarily a manifestation of a legal state of affairs in which states are bound to join in fighting terrorists. Rather, it is interest and affinity based; terrorists pose a common danger and what they do is wrong. It is therefore not only sensible but also right to try to stop them. This widely (but not universally) shared liberal normative aspiration is a valid expression of community whether or not coercive authority ever becomes a characteristic of international politics. Voluntariness is enough.

POWER AND COMMUNITY

The approaches to international community presented here would be incomplete without taking note of some of the critical views scholars have brought to bear on the subject. These views offer valuable perspective on the question of what the international community is by providing insight into potential misuses of the term.

Perhaps the most policy-relevant of these is the view that the idea of international community, though it presents itself as the general interest of all its constituent parts, is in fact the preoccupation of a subset of international actors whose claim to speak for all is highly dubious. Rao refers to the "strong and justifiable view that the third world perspective and interests are often ignored and neglected."[44]

It is also possible to call into question the motives of those who presume to speak in the name of the international community. As William D. Jackson writes,

> The importance of the quest for legitimacy in international politics should not be underestimated. In this general and continuing quest, states or international institutions find it useful to claim that their actions are expressions of or are done in the service of an international community. The nature of the international community in whose name so much is claimed is rarely indicated by those who invoke its authority. Indeed, the legitimizing function of the concept of the "international community" is served by its mystification.[45]

In particular, views of international community may be shaped by such considerations as who has power in the international political arena and how one stands in relation to the powerful.[46] As a very powerful country (if not indeed a hegemon), the United States is prone to a view of international community that both reflects and justifies its position of preeminence. Andreas Paulus essentially warns of the danger of an "Americanized" international community, in which Americans advance a view of international community and its aspirations that is not readily distinguishable from American habits and aspirations.[47] This is indeed a serious problem with regard to diverging views of what the international community ought to be. Non-American perspectives might seek more powerful international institutions and less leeway for the exercise of national power. But the liberal normative aspiration that the international community embodies in practice is not distinctly American but much broader.

The Inclusive "We"

Most scholars who write about "community," including the international community, regard it in a positive light. A more radical critique argues that the "we" feeling of community can exist only in relation to an excluded "other," and therefore refuses to accord difference the respect it deserves. Simma and Paulus write:

> A "community" does not only possess an inside aspect but also presupposes an outside, an environment against which it defines and delineates its identity. In the case of an all-embracing community like the international one, it is unclear who or what constitutes this "outside": Does it only consist of those with whom nobody wants to deal, namely, terrorist "rogue states"? But even these outcasts are not fully excluded from international relations and institutions.[48]

Etzioni recognizes the problem for communitarianism associated with disregard for the "other" and proposes to solve it as follows: "the new 'they' are weapons of mass destruction and pandemics; they fully qualify as enemies of humanity."[49] He seems to be reaching for a nonhuman "they" in order to avoid the charge of exclusion of a class of human beings. But the "they-ness" of weapons of mass destruction may depend at least to a degree on whether the case at hand involves a state with a nuclear deterrent capability or an individual with a quantity of sarin seeking to release it to kill others. Thus it is possible that a perpetrator of *jus cogens* crimes is an "other" rightly excluded.

But a better answer to the radical critique that "we" implies an excluded "they" might be to ask why this is necessarily so. Certainly it is true that "we" can imply "they," and historically, the manifestation of this phenomenon has been known to lead to monstrous consequences. But "we" do not require the living presence of the human perpetrators of an ongoing holocaust in order to oppose genocide and genocidaires. "We" harbor the aspiration that everyone voluntarily considers him or herself a part of this "we"—chooses to associate with "us." The content of the association may be very limited—say, that "we" agree that genocide is wrong. But it is also potentially richer: "We" may agree that even though we acknowledge the possibility that we will fight wars against each other, we will conduct these wars only within codes of conduct we have specified in detail. Or richer still: "We" agree we will never resort to force to settle our disputes. In none of these instances does we-ness imply an excluded other. Rather, it contains an invitation to join.

What happens if the invitee rejects the invitation? That would seem to depend on the character of the rejection. If it is a total rejection—another group with a sense of "we" that is deliberately imagined with an excluded "they," which in this case is us—then "we" had better keep our distance and respond to threatening behavior as it arises. But at the state level, it's a long way to get to total rejection—one would be looking for something like the slaughter of all foreign visitors as an indication of it. In almost all cases, there is at least some level of stable interaction between states, such as the guarantee of

safe passage for envoys of other states. "We" can consider this bare minimum a partially accepted invitation —and work to build on this *de minimis* sense of international community if "we" wish.

The point of this sense of community in relation to the international community is that what begins as the barest minimum of stable interaction is something upon which those in that relation may build. To the degree the parties wish, they can overlay other elements of "community": perhaps a treaty of peace and friendship between them, perhaps a trade pact, perhaps joint membership in an international institution to regulate civil aviation. Identity is not necessarily fixed, and for many it may be possible to layer different identities without having them come into conflict with one another. Nigeria is, at the same time, an African state, a member of the Economic Community of West African States, and a member of the African Union.

In the event a conflict arises, the buildup of "community" may stop until the conflict is resolved, if indeed it can be. But the cessation of additional overlaying doesn't necessarily (or even routinely) undo the layers already in place. World War I brought early twentieth century globalization to a halt. But even so cataclysmic an event, and the even more destructive war that followed, did not undo the desire for richer international interaction, or international community. Few were the countries that pursued policies of isolation, autarky, and self-sufficiency, spurning all interaction with foreigners in the manner of Japan in the two-plus centuries before the arrival of Commodore Matthew Perry in 1853. Perhaps North Korean *juche* is the exception that proves the rule.

In the post–World War II era, arguably the most highly developed "transnational ethical community"—that is, a collection of states bound by common values as well as interests—has been the "Atlanticist community" joining the United States and Canada with Europe.[50] By now, the project of European integration, having weathered the storm of the euro crisis, probably deserves acknowledgment for pushing a transnational ethical community to a new level—though not necessarily at the expense of the Atlanticist community. The recent movement toward a transatlantic trade agreement indicates a desire for further integration. The desire may be based in mutual interest, but the likely effect will also include a deepening sense of community.

Though it is an element of the international community, the Atlanticist community must be careful not to represent itself as *the* international community. When the Indian ambassador to the United Nations in 1999 rebuked the North Atlantic Treaty Organization secretary-general for saying the alliance was taking military action against Sloboban Milosevic over Kosovo in the name of the "international community," pointing out that the governments of half of humankind opposed the action, he had a compelling point regardless of one's view about whether the military action was justified.[51] The Atlanticist community does not constitute some sort of authoritative layer of international community and should not represent itself as such.

To say as much is also to acknowledge that other transnational communities may gather and pursue common ends. The Nonaligned Movement is one example, as is the Group of Seventy-Seven developing countries, whose membership now numbers 132. At the other end of global economic development is the Organization for Economic Cooperation and Development (OECD). These organizations, likewise, have considerable reach and influence, but they too lack authority to speak for the international community as a whole, even though they may at times express the view of the international community. Another way to look at it is that if the international community is truly speaking, it will find itself doing so in harmony with the views of such transnational associations.

THE INTERNATIONAL COMMUNITY AT WORK

It is not hard to see the various layers of international community in operation. At the most rudimentary level, states send and receive ambassadors, who enjoy diplomatic immunity. They gather at the United Nations, the universal body for states. They appear as parties at the International Court of Justice. They participate and deliberate in functional institutions such as the International Civil Aviation Organization, whose decisions they accept voluntarily as those of the international community even though their preferred outcome might have differed. They agree to and abide by rules regulating international commerce. They band together in association with nongovernmental organizations (NGOs) to provide relief to countries struck by natural disasters. Often through the prodding of individuals and NGOs, they enshrine in treaty rules governing the conduct of states, such as the prohibition of genocide and the use of chemical weapons. In all these instances, the international community is a liberal force regulating international politics.

The international community is not a world government. There is no such sovereign power, and it makes no sense to speak of the international community as if it were an actor asserting sovereign power or aspiring to do so. In what sense is the UN secretary-general president of the world? In exactly no sense. Yet we have examples of states acting in concert that claim the mantle of the international community and do seem to represent something more than an aggregation of self-interested state action. Disaster relief operations often fall into this category—concerted action by governments in the name of the international community. Turning to the realm of coercive force, the action with the best claim to have been undertaken on behalf of the international community was probably the ejection of Saddam Hussein from Kuwait in 1991. In addition to drawing a broad coalition of support, the military action took place with the authorization of the UN Security Council.[52]

To be regarded as legitimate, this sort of executive action on behalf of the international community seems to require a strongly articulated and widely accepted moral justification beyond the national interests of the states involved. A humanitarian relief operation would enjoy no such legitimacy if, for example, it were merely a pretext for the introduction of military forces of the intervening state or states into the territory where the disaster struck. Although "no war for oil" was a slogan of the opposition to the 1991 Iraq war, supporters insisted that Iraq's aggression against Kuwait should not stand because aggression in pursuit of territorial aggrandizement is wrong.

Not synonymous with world government, neither is the international community synonymous with global governance; the activities of a broad array of international and regional institutions, organizations, and other mechanisms that seek to structure and shape international politics. Yet the proliferation over the past century of these institutions, as well as less formal associations, reflects a normative desire on the part of states and nonstate actors—the international community—for a mechanism to pursue a common good. These institutions truly facilitate coordinated state action, or global governance.

But not just *any* kind of state action; there is, for example, no organization of pirate states. Nor is there a Geneva-based World Genocide Organization devoted to the collection and dissemination of information to improve the practice of atrocity. There is, however, an International Criminal Court designed to go after genocidaires. The direction of this quasi-governance seems unmistakable: The moral principles being advanced are those of classical liberalism.

Synonymous with neither world government nor global governance, the international community is likewise not synonymous with the aggregation of the individuals who speak in its name. Humanity as a whole has never appointed a spokesperson. From time to time, many individuals and govern-

ments can and will oppose the judgments of such a self-styled international community, and their dissent is proof in itself that the international community is not the speaker. A highly networked transnational group of like-minded individuals cannot constitute itself as the conscience of humanity if large segments of humanity are entirely deaf to its appeals.

Yet such a transnational network (or network of networks) actually does exist. When members speak in the name of humankind, they may be engaging in a bit of self-aggrandizement, and may even be seeking to further private interests (pecking order within the world of international NGOs, for example, or prestige within a profession such as the practice of international law). The claims members make may overstate normative agreement even within the network. But this network is something more than merely an aggregation of self-interested individuals who have determined that they can better advance their common interests by ganging up on their opponents. As a counterexample of a purely self-interested network, think of an organized crime family. At the state level, perhaps the Axis powers during World War II.

On the contrary, there is *content* to the concert, a vision of the good that extends beyond simply what is good for members of the network. The content is not uncontested among members of the network. For example, the international community doesn't want Iran to acquire nuclear weapons, but disagrees on whether a military strike on Iran should be an option. Yet not everything is up for grabs. You won't find any members of the international community arguing in favor of the return of slavery. There is no movement within the international community to legalize the use of chemical weapons in warfare. Although states vary widely with regard to their adherence to the terms of the Universal Declaration of Human Rights, none of them advocate for its universal repeal and the disestablishment of the idea of human rights in international politics. There is indeed a baseline of substantive agreement on normative matters, on top of which sits a conversation about what else the international community can and should agree to.

Policymakers and commentators often refer to rogue states. What makes them such is the willful defiance of the substantive agreement on a normative matter important to the international community. A rogue is an outlier, and recognized as such in a manner that approaches unanimity. The ability of the international community to brand a state a rogue does not automatically translate into the agreement of the international community on a policy to deal with the rogue. It's possible that sufficient agreement will emerge to warrant attributing the policy to the international community, as it arguably did in the case of Saddam and Kuwait. But it is also possible, and much more common, for the international community to identify a problem without agreeing on its solution.

So the international community is not the executive actor of some notional world government but, operating as a community in agreement on a normative matter, does sometimes act; is not the agent of global governance, but sometimes governs; and is not all those who claim to speak in its name, though sometimes those who speak in its name are right to do so. Rather, the international community is on the one hand the voice of classically liberal normative aspiration: what the world should be like. But on the other hand, this is an aspiration whose avatar can and does appear in the world, in various forms, and actually does influence politics among nations. Its appearance on the scene has something to do with the workings of traditional diplomacy and the interplay of the national interest of various states, but also encompasses an ongoing transnational dialogue about right and wrong.

So with the term international community, we find ourselves at the interesting intersection of morality and politics on a global scale. Classically liberal normative aspiration comes in many guises,

from various forms of cosmopolitanism and universalism on one side to various particular iterations such as American exceptionalism or Western civilization on the other. Those who feel an affinity for this normative aspiration already have a layer of membership in the international community atop their other layers of identity. They share an evident willingness to consider right and wrong on a global scale.

A Practical Guide

When a tsunami strikes, what emerges nowadays is a single, coordinated effort to provide relief. Although NGOs working on such problems perceive competition among themselves and jockey for relative influence, we do not generally see a red team/blue team conflict over the provision of aid. Though complete consensus on the propriety of ejecting Saddam Hussein from Kuwait by force if necessary was elusive, no coalition emerged in support of his contention that Kuwait was rightfully Iraq's nineteenth province. If there is an international coalition in favor of Iran obtaining a nuclear arsenal, it seems not to be one that speaks up to that effect. A hallmark of the operation of the international community is unanimity of purpose, or something very close to it.

But when there is significant opposition to a favored course, even if it is favored by many, including all of those with whom one feels closest, it is surely disingenuous to invoke the international community. Policymakers should take heed. One can and should offer one's reasons for the course one believes is right without suggesting that all of humankind agrees. It's a matter of reason and elemental respect for others, and it has the practical benefit of warding off self-delusion and the negative consequences that flow from it.

Based on the preceding discussion, it is possible to set out the following recommendations:

USE OF THE TERM "INTERNATIONAL COMMUNITY"

Appropriate Use of "International Community"

- To invoke on aspirational matters: For example, "The international community must find a response to climate change."
- To refer to in cases of division on normative matters. For example, "The international community has failed to agree on a definition of terrorism."
- To refer to codified, consensus-based views. For example, "The international community has declared its opposition to the use of chemical weapons."
- To refer to codified or customary procedures. For example, "Trade disputes between members of the international community are settled at the WTO." Or, "The international community has often had to take measures to deal with piracy."
- To refer to uncontroversial consensus-based actions. For example, "The international community has rallied to provide relief for victims of the tsunami in Asia."
- To refer to its member states, institutions, and organizations involved in any of the cases above. For example, "Japan is a leading member of the international community in providing humanitarian assistance to victims of natural disasters." Or, "Médicins sans Frontières has been at the forefront of the efforts of the international community to deal with the effects of violent conflict."

- To refer to individuals as representatives of the international community in circumstances in which they act in support of a broad consensus, especially when operating with official international sanction. For example, "Kofi Annan's efforts on behalf of the international community to obtain a cease-fire in Syria were unavailing."

Inappropriate Use of "International Community"

- To attribute views, actions, or procedures to the international community in any case where clear division exists. Here, one must make one's case on its merits, and not on the presupposition that everyone already agrees with one's point of view. This is an imperative of factual accuracy. It is also a basic expression of respect for others, which is an important principle of classical liberalism. Insistence on speaking in the name of or attributing views to the international community when the international community is divided is in fact a reassertion of the exclusive "we." It denies the humanity and agency or, in the case of states, the legitimacy of those who disagree by writing them out of the international community *tout court*, when in many respects they are members in good standing. It also runs the quasi-totalitarian risk of demanding uniformity of opinion within a community on all subjects deemed important by those powerful enough to make such a demand.

  The imperative to respect other views has limits. Where genocide is occurring, the genocidaires have no privilege to annul by their defiance the view of the international community that genocide is morally wrong. It is instructive that those engaged in the perpetration of atrocities rarely admit it. They describe what they are doing in euphemistic terms, in what is perhaps tacit acknowledgment of the view of the international community that committing atrocities is wrong.

GUIDANCE FOR THE THEORETICALLY MINDED

- Realists should accept the concept of an international community that comes and goes depending on the issue and the competing demands of international politics. When almost all the world lines up one way and not another—for trade, against piracy, for tsunami relief, against territorial expansion by conquest—one could see the result as an expression of common interest. But when almost all the world talks about what may be merely common interest in terms of right and wrong, the notion of an international community constituted thereby is hardly far-fetched.
- Liberal theorists should avoid the temptation to substitute their normative desires regarding the international community for acknowledgment that the universal aspirations of classical liberalism are far from realized.
- Conservatives and neoconservatives should recognize that an important ingredient of American exceptionalism from the beginning was classical liberalism, a sentiment non-Americans nowadays can and do share—forming an international community that perpetuates, defends, and seeks to spread a classically liberal perspective on right and wrong.

Our loose talk of international community comes at a price, in terms of sometimes inflated, sometimes diminished expectations about the ability of international politics to be brought into alignment with an evolving yet classically liberal moral order—whose political authority consists in its voluntary acceptance by growing numbers of people, even including governments.

We have to be careful what we are asking for and whom we are asking when we ask something of the international community, lest we be disappointed in its inability to fulfill our expectations—which is actually our own failure to think about the international community clearly. Tightening up a discussion of the international community will improve our ability to conceive and execute policy in a moral framework. This liberal moral framework has found itself embraced and embodied, at least in part, in states, institutions, organizations, offices, and individuals—and in the interactions among them. This is the international community, and its significance in international politics is growing.

Endnotes

1. "The damages caused in Haiti by the earthquake of January 12, 2010 are unimaginable.But the response from the international community—from Asia to Africa, from the United States, from Canada, from all of Latin America, from the Caribbean, from Europe, all the way to the Middle East—this response, thanks to its swiftness, thanks to its size, was commensurate with the disaster." President René Préval, Joint Remarks in the White House with President Obama, March 10, 2010, http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-president-preval-republic-haiti.

2. International Federation for Human Rights, "Burma's critical human rights situation: time for the international community to act", April 10, 2010, http://www.refworld.org/docid/4bfd1bcf28.html.

3. "While Kenya has experienced election-related violence since the early 1990s, the 2008 post-poll violence remains etched on the minds of the international community and we shall do all we can to stop a repeat of the same." UN Special Advisor of the Prevention of Genocide Adama Dieng, quoted in Fred Oluoch, "UN official warns against poll-related violence in Kenya," *The East African*, February 16, 2013, http://www.theeastafrican.co.ke/news/UN-official-warns-against-poll-related-violence-in-Kenya-/-/2558/1696148/-/3nn7noz/-/index.html.

4. "This military action is intended to support the political aims of the international community." Javier Solana, press statement by NATO secretary-general, March 23, 1999, http://www.nato.int/docu/pr/1999/p99-040e.html.

5. "SARS was a wake-up call for the international community, demonstrating just how quickly diseases can emerge and spread around the world." Public Health Agency of Canada, "Responding to an Infectious Disease Outbreak: Progress Between SARS and Pandemic Influenza H1N1," April 11, 2012, http://www.phac-aspc.gc.ca/ep-mu/rido-iemi/index-eng.php.

6. "Humanitarian needs are escalating, in and beyond Syria. The international community should not look the other way as violence spirals out of control. Brutal human rights abuses continue to be committed, mainly by the Government, but also by opposition groups." United Nations secretary-general Ban Ki-moon, "Address to the 67th General Assembly general debate," September 25, 2012, http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=1660#.UcJR-T771G4

7. John Mearsheimer, *The Tragedy of Great Power Politics* (W.W. Norton, 2001); See also Kenneth N. Waltz, *Theory of International Politics* (McGraw Hill, 1979).

8. For a brief survey, see G. John Ikenberry, "Liberal Internationalism 3.0: America and the Dilemmas of Liberal Order," *Perspectives on Politics* 7, no.1, March 2009, pp. 71–87.

9. *Charter of the United Nations*, Article 24.

10. Alexander Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46, no. 2, Spring 1992, pp. 391–425.

11. Postmodern critical theory also warrants a place in this discussion and would seem to map readily onto a constructivist perspective. See, for example, David Kennedy, "The Disciplines of International Law and Policy," *Leiden Journal of International Law* 12, no. 1, March 1999, pp. 9–133; and Richard Price and Christian Reus-Smit, "Dangerous Liaisons? Critical International Theory and Constructivism," *European Journal of International Relations* 4, no. 3, March 1998, pp. 259–294.

12. "Foreign policy in a Republican administration will . . . proceed from the firm ground of the national interest, not from the interests of an illusory international community." Condoleezza Rice, "Promoting the National Interest," *Foreign Affair*. 79, no. 1, January-February 2000, pp. 45-62. Subsequently, as secretary of state, Rice embraced the utility of the phrase, e.g., "States where corruption and chaos and cruelty reign, invariably pose threats to their neighbors, threats to their regions and potential threats to the entire international community." Address at Sciences-Po, Paris, February 8, 2005, http://www.washingtonpost.com/wp-dyn/articles/A7965-2005Feb8.html.

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sentatives of half of humanity have said that they do not agree with what they have done." Kamlesh Sharma, permanent representative of the Republic of India to the United Nations, March 26, 1999, United Nations S/PV 3989, http://www.un.org/ga/search/view_doc.asp?symbol=S/PV.3989.

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22. Pemmaraju Sreenivasa Rao, "Concept of International Community," in *From Bilateralism to Community Interest: essays in honour of Judge Bruno* (Oxford University Press, 2011), p. 102.

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24. Hans Kelsen, *Principles of International Law* (Rinehart & Co., 1952; Lawbook Exchange editions, 2003, 2012), pp. 110–111, usage of "international community" at pp. 19, 22, 25, 111.

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27. Thomas M. Franck, *The Power of Legitimacy Among Nations* (Oxford University Press, 1990), p. 3. The observation echoes that of Louis Henkin: "It is probably the case that almost all nations observe almost all principles of international law and almost all of their obligations almost all the time." *How Nations Behave: Law and Foreign Policy*, 2nd Edition (Columbia University Press, 1979), p. 47.

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41. Adeno Addis, "Imagining the International Community: The Constitutive Dimension of Universal Jurisdiction," *Human Rights Quarterly* 31, February 2009, pp. 129–62

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50. Tod Lindberg, "The Atlanticist Community," in Tod Lindberg, ed. *Beyond Paradise and Power: Europe, America and the Future of a Troubled Partnership* (Routledge, 2005), pp. 215–36.

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52. United Nations Security Council Resolution 678 (1990), November 29, 1990, S/RES/678. See: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/678 (1990). Even here, however, the vote was not unanimous, with Cuba and Yemen opposing and China abstaining.

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