In this chapter, I examine two theories of transnational ethics: Political Realism and the Society of Societies. The first theory, Political Realism, denies the meaningfulness of transnational ethics. Proponents of Political Realism note that states act in their own interest, and there is no order or principle governing those states other than their own self-interest. I will discuss the views of an important proponent of Political Realism of this kind, the late political theorist Hans Morgenthau. (1993) An interesting variant, which I will call Relativist Realism, holds that there are no transnational principles which supersede the principles of any given society because the different principles of different societies ought to be respected. This version of Political Realism has been developed extensively by the political theorist Michael Walzer. (2007) I will discuss the pros and cons of these two views shortly.

Our second theory, which I call the Society of Societies, is John Rawls’ social contract version of transnational ethics. Rawls calls his version “the Law of Peoples” to avoid the implication that the parties to a transnational social contract are states or nations.¹ (1999b) The name “the Law of Peoples” itself makes Rawls’ point that the participants in a transnational social contract are not states or nations, but peoples. From the perspective of a social contract, states or nations gain their authority from the consent of the people under that contract and have no ethical authority without it.

The final theory of transnational ethics we will examine, cosmopolitanism, will be discussed in the next chapter. I will discuss three versions of cosmopolitanism, a pluralist version with a set of principles
justified by intuition, a social contract version, and a utilitarian version. All three have as their starting point the idea that for ethical purposes all human beings belong to one global society.

These cosmopolitan theories, and to a lesser extent Rawls’ theory, unfortunately almost totally discount any ethical relevance for nations or nation-states. At very least, this makes these theories almost impossible to apply until current nation-states fade away. The omission of nation states also betrays a serious misunderstanding of the social structure to which transnational ethics must apply. When I began examining these theories, I had not expected to find these inadequacies. Consequently, they may be less helpful than originally expected in formulating a viable theory of transnational ethics.

**POLITICAL REALISM**

Political Realism maintains that states act in their own interest, and there is no order or principle governing those states other than their own self-interest. Thus states are in a state of nature with respect to each other, in the terminology of the early social contract philosopher Thomas Hobbes. (1651) Hobbes describes the state of nature as a war of all against all. Clearly considerations of mutual advantage do occur to states, and agreements called *treaties* occur often in the dealing of states with each other. But realists hold that when a state’s interests are no longer served, a treaty can be ignored. It has to be conceded that the actual behavior of states does closely approximate Political Realism. And there also is currently no principle acknowledged by states that prevents them from making war at their sole discretion, as recently demonstrated in Vietnam and Iraq. Although ethical principles, unlike legal principles, do not have to have punishments attached, there should at least be an ethical community which can at least register disapproval of the behavior. And there does not seem to be.

Political Realism is not a skeptical or relativist doctrine. Political Realists from Machiavelli (1515) in the Renaissance to Hans Morgenthau in the 20th century believe that the correct ethical thing for rulers to do is to be guardians of the interests of the states they govern, and that in order to serve those interests, they need to set aside conventional individual morality. Morgenthau states

\[\text{\ldots the state has no right to let its moral disapproval of the infringement of liberty get in the way of successful political action, itself inspired by the moral principle of national survival. (1993, 12)}\]

Although nation-states are to be judged on the ways in which they create and use power, there are ethical elements:

In the last analysis, then, the power of a nation \ldots resides in the quality of its government. A government that is truly representative \ldots in the sense of being able to translate the inarticulate convictions and aspirations of the people into international objectives and policies, has the best chance to marshal the national energies in support of those objectives and policies. \ldots free men fight better than slaves.\ldots (Morgenthau 1993, 154)

And there are ethical constraints in the relations of nations with other nations. Nations agree to protect human life in times of peace. Assassination is no longer a common political tool, as it was in Renaissance Venice.\ldots Mass extermination is not acceptable as a tool of policy, as in Nazi Germany and for the Romans with Carthage,\ldots even if necessary for a “higher purpose.”

Around 1650, war went from being a contest between all inhabitants to a contest between armed forces of states. From about 1875, international treaties including the Hague conventions required prisoners of