



International morality and international law

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journals.sagepub.com/home/est**Jan Nederveen Pieterse** *University of California Santa Barbara, Santa Barbara, CA, USA*

There are three main parts to Kögler's article. First, a critique of the abstraction of morality in geopolitics. Second, an examination of Putin's Eurasian ideology with a focus on Alexander Dugin's perspective on Russia. Third, highlighting the importance of normative and moral principles in support for Ukraine, with a review of media debates in Germany. I discuss each part and then turn to an overall assessment.

Geopolitics and morality

The first theme, geopolitics lacks morality, makes sense but breaks into an open house. Realpolitik is familiar since Machiavelli and so is the realist approach in international relations. Put idealism and moralism aside and focus on the national interest because the international domain is anarchic, is a cliché from Metternich to Henry Kissinger (who wrote his dissertation on Metternich).

This critique targets Realpolitik and the realist approach in international relations, which are essentially pragmatic, though some American versions of realism are also normative (such as Kenneth Waltz and Hans Morgenthau's emphasis on prudence, balance and moderation; James, 2022). Does inserting morality into geopolitics help? Arguably, much geopolitics is already steeped in morals. Many parties in geopolitical disputes claim morality is on their side, ideologically or theologically ('with God on our side').

The Patriarch of the Russian Orthodox Church blesses the troops. US foreign policy has long bathed its stance in a normative aura. The United States supplies morals in a righteous war against fascism, cold war against communism, regime change for the sake of democracy, the free market and information flows. Wars, invasions, regime change, counterinsurgency operations and low-intensity conflict are undertaken in the name of ideologically certified moral values. Thus, the US role in the Middle East – according to

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Clinton, GW Bush, Obama and Biden – is to ‘bring democracy’. Such ideals inspired American support for the Arab Spring and for the ‘colour revolutions’ in the Balkans and the Caucasus. The aim of the US war in Afghanistan was to defeat Al Qaeda and also to advance human rights and women’s rights.

But not all that glitters is gold. It depends then on what kind of morality, as alibi or of a robust character. It’s a matter not just of morality but of morality examined – what is the track record of the proponent, does the product match the label, does delivery match the declared intent? When actual geopolitics is steeped in morals as plentiful as corn syrup, what is needed is morality examined.

Meanwhile, what is absent in winsome American statements on international podiums is international law. The United States studiously avoids mentioning international law; instead, the United States refers to a ‘rules-based world order’. In Kögler’s discussion, international law comes up in passing and is slighted as ‘simply dogmatically invoking grand and allegedly uncontroversial concepts such as “international law” (*Völkerrecht*)’. International law in quote marks and as ‘allegedly uncontroversial’, without an explanation? That seems odd. In its place, Kögler refers to ‘the moral core of our experience’, ‘the bedrock of our moral feelings’ and ‘morality as the continuation and realization of politics by other means’. However, if morality is this crucial to geopolitics, then surely it would be worth to pursue morality examined, to build on the institutionalization of moral standards, as in the UN Charter, and endorse and strengthen the enforcement of moral standards in international law. None of these come up in this lengthy discussion.

Dick Cheney and Henry Kissinger can no longer travel to many destinations, not because of morals but because of the International Criminal Court (ICC). In international forums the United States accuses Russia of war crimes and China of genocide in Xinjiang, but the United States is not a member of the ICC that investigates and adjudicates such crimes. The ICC has issued an arrest warrant for Vladimir Putin (March 2023), which is unprecedented for a sitting head of state. This warrant applies in all member countries of the ICC. This affects the BRICS and the upcoming summit in South Africa because Brazil and South Africa are ICC signatories.

Thus, in relation to this part of Kögler’s article, key points are that geopolitics needs morals that are examined, needs the institutionalization of moral standards and needs the enforcement of normative standards in international law.

Eurasian Russia

The second theme is Putin’s Eurasian ideology and Alexander Dugin’s essentialist take on Russia. Dugin is one among several Kremlin and Putin inspirations, such as Konstantin Leontiev, Ivan Iljin, Alexander Solzhenitsyn and Vyacheslav Nikonov. Eurasian ideology is part of a long search for Russian origins, Russian soul, the Russian idea, the Russian world or essence, a search that has been in motion since the nineteenth century and has unearthed many sources. Russians hail from Scythians, Slavs, Tatars, from ‘Kyiv Rus’, from Kazakh, Aryan, Turkic, Iranian backgrounds, Russia is the ‘second Byzantium’, the ‘third Rome’ and so forth. All these identity menu options have adherents. The spread and variety of this national identity pilgrimage indicates that Russia has multiple origins, which makes sense for the country that spans the world’s

largest landmass. Why then search for a single favourite? Arguably, because of its large expanse in order to cohere the country needs strong authority and authority requires a cultural anchor and the legitimacy of a centre. Putin speaks of Russia as a ‘civilization-state’, but Russian civilization is bridge civilization, which is a pivotal Russian paradox.

Over time this quest has taken on growing significance. Because of Lenin and Stalin’s nationalities policies, with cultural autonomy and state support for ethnic groups, 20 per cent of Russia’s population is not ethnically Russian but Tatars, Chechens, Ingush, Karachay and so forth. The Russian Federation includes seven ethnically defined republics (Tatarstan, Bashkortostan, Chuvashia, Mordovia, Udmurtia, Karelia, Komi and Mari; Eltsov, 2020, p. 119). By 2035 half of Russia may be Muslim. Secession movements have been ongoing since the nineteenth century such as the Siberian independence movement of 1860, and will likely grow.

Cultural essentialism does not alter the weakness of the founding pillars of the Russian Federation. The Orthodox Church is derivative (second Byzantium, third Rome), autocracy is tainted (Tsars, serfs and wars; Soviet commissars and nomenklatura; Putin, siloviki and oligarchs) and collectivism is top-down (uneven and fragmented). Efforts at expansion such as Transnistria (1992), the Eurasian Economic Union (2000), Georgia (2008), Crimea (2014) and Ukraine (2022) may distract the attention from internal imbalances (Treisman, 2022). Mobilizing conscripts for war from ethnic minorities (2022–2023) does not enhance Moscow’s appeal. Beneath the sheen of cultural essentialism, which is old-fashioned and reductionist, much more is at stake.

While Dugin’s essentialism centres on Russia’s soul and profound Eurasian identity, in taking ‘Russian essence’ as the core of the nation it represents a nation with a centre but without a periphery. All nations are porous at their borders, which are zones of cultural osmosis, multilingualism and interplay from way before the nation arose. Central Asians work throughout Russia; a salient restaurant in Moscow’s Arbat Street is Uzbek. Yes, the periphery is also in the centre. Russia is a bridge civilization, a bridge between Asia and Europe. A bridge means there is continuous traffic in both directions. Many peoples have crossed this bridge. Key figures in Russian culture embody this bridge, such as Rasputin, Nicholas Roerich, Helen Blavatsky and the Armenian George Gurdjieff. What matters is not the centre but the two-way flow across and beyond the nation. This section aims to add heft to Kögler’s theme of the moral cause of defending Ukraine against Russia because the Kremlin denies and seeks to eradicate Ukrainian national identity, but the argument is not fully developed.

The moral case for support for Ukraine

The closing theme is the moral case for solidarity with Ukraine. This section reviews German media and newspaper debates on the Ukraine war, wide-ranging debates of a kind that is typical of multiparty societies, with a wide sprawl of viewpoints. They come with heft because of Germany’s key role in the EU. The debates include some extreme views, which is what Kögler focuses on to make his moral case for support in the war – such as ‘unconditional peace’, which no bona fide advocate of negotiations supports. A peace that both parties can agree on, in line with the UN Charter principle of equal sovereignty is the standard view.

Some views in German debates question US and NATO positions, in particular the abrogation of peace talks in Istanbul in March 2022, but these views do not come up in Kögler's discussion. Marc Saxer (2022) notes, 'Turkish Foreign Minister Çavuşoğlu would later say about the failed Istanbul peace conference: "some NATO countries wanted the war in Ukraine to continue in order to weaken Russia"'. The retired general-major Harald Kujat, previously Germany's highest military official and the former chair of the NATO Russia Council, also questions the abrogation of the peace talks in which both Ukraine and Russia participated. In a long interview with Thomas Kaiser (2023) he finds that the war could have ended a long time ago. In his account, the talks stopped following a visit to Kyiv of Boris Johnson. The implied reason was that the United States and NATO preferred the war to go on to weaken Russia. Recent German discussions have also touched on the destruction of the Nord Stream 2 pipeline and the possible American role (see Seymour Hersh, *Democracy Now*).

Kögler cautions several times that in making moral judgements circumstances and context must be carefully considered. Of course, how normative principles apply depends on the context, as in situational ethics. However, besides briefly sketching Russian aggression and Ukrainian resilience, Kögler does not actually pause to examine the context. Kögler also dismisses the idea that the American record of past aggression matters; that is all past and what matters now is the urgent need for solidarity with and support for Ukraine. Thus, Kögler both urges paying careful attention to the context and counsels skipping the elephant in the room, US conduct in Iraq, Afghanistan and elsewhere. Meanwhile, part of the context is that the United States has long been active in Ukraine. Ukraine has been in US' sights since the fall of the USSR.

Victoria Nuland, US Assistant Secretary of State for European and Eurasian Affairs, estimated in December 2013 that the United States has invested more than \$5 billion since 1991 to help Ukraine achieve "the future it deserves". When Russian leaders look to Western social engineering in Ukraine, they fear that their country may be next. The West's triple package of policies – NATO enlargement, EU expansion and democracy promotion – has fueled a fire. (Nava, 2022)

Developments in 2004 (Maidan revolution) and 2014 (Crimea) have also been followed by the US prepositioning weapons and arms training in Ukraine.

The problem of the United States is not the past but the pattern. Russia uses hybrid warfare and the Wagner Group to destabilize countries (Mölder et al., 2021). The United States uses democracy, human rights, liberalism, techies, the National Endowment for Democracy and colour revolutions to destabilize countries (Licata, 2023; O'Rourke, 2018). The pattern of past conduct matters for the world majority who have not forgotten US conduct in the cold war and countless interventions since then. The global South has not forgotten Soviet support for developing countries and also reckons with the balancing role of the BRICS, which Saudi, Turkey, Argentina and several African countries now wish to join.

The United States and the Russian Federation have much in common. Since cold war times both operate outside the Westphalen principle of territorial sovereignty and international law. Both are members of the UN Security Council and make ample use of their

Table 1. Great powers and world military spending.

United States	37 per cent world military spending, 750 overseas bases, GDP \$25.35tr (2022)
China	13 per cent world military spending, 1 overseas military base, GDP \$14.7tr
Russia	3 per cent world military spending, 21 outside bases (18 in ex-USSR), GDP \$1.5tr
NATO	59 per cent of world military spending, 55 per cent of world GDP (2020)

veto power. Neither are members of the International Court of Justice and the ICC, while in terms of military spending they are wide apart (Table 1).

Using their veto power in the Security Council they shelter allies and create parallel worlds of rogue order, such as Israel for the United States and Syria for Russia. The watchword is security – secret or top secret, so there is no accountability, no public discussion, hence, securitization furthers the concentration of power. They often speak of threats, for the United States – China, Taiwan, Russia, Iran, North Korea, illiberal capitalism; the rules-based world order of liberal democracy is under constant threat. They threaten other countries, which then swerve into a security spiral, turn into national security states and then graduate to regime security states. Cornered by US National Endowment for Democracy support for dissenters, internet techies and ‘colour revolutions’ they mobilize security measures. Another contribution to German debates in a Friedrich Ebert Foundation newsletter notes:

The UN Charter and its principle of “sovereign equality” are not compatible with the US’ claim to sole global leadership. In its perceived role as the global rule maker, the USA had, according to the US Congressional Research Service, carried out 251 military interventions in other countries since the end of the Cold War – not counting secret CIA operations or support to proxy wars. It can be assumed that many – if not most of these interventions were violations of the UN Charter. In almost all cases, they were unsuccessful and have left only human suffering, destruction, chaos and dysfunctional governments behind; democracies have never emerged from them. Is Ukraine now destined to suffer a similar fate? (Saxer, 2022)

American political statements often refer to ‘the West’, a category that merges the United States and Europe, as during the cold war. ‘The West’ means the United States is not alone. It also means that the United States can shelter behind Europe at a time when the quality of US democracy has been flagging, according to ratings of democracy in Freedom House, The Economist and so on.

The issue is not war or peace because all wars end in peace. The issue is the timing and the terms of peace. The issue is not moral support per se but the form support takes and the relationship between moral support and political and geopolitical considerations. The issue is not just Ukraine but also Europe, NATO, the United States and China. The 2022 US National Security statement did not mention Russia as a threat to the United States, just China. In the United States, the drumbeat of animosity and military preparation against China sounds daily.

Democracy or Dictatorship?

The subtitle and theme of the article is ‘The moral call to defend Ukraine’. Yet while the sway of the article is moral the lead title ‘Democracy or Dictatorship?’ is bluntly political. This title is out of step with the philosophical character of the article. It matches American views and the position that is consistently set forth by the White House, in Foreign Affairs, Foreign Policy, *the New York Times* and media discussions that continually merge liberalism, democracy and human rights. President Biden’s first international conference was on Democracy and Autocracy in fall 2022. In 2023 the White House hosts the second international conference on democracy.

The binary structure is vintage American – WW2 (Allies vs. Fascists), the Cold War (capitalism vs. communism) and culture war (liberals vs. conservatives). The American two-party system is also binary. Manichean polarization is a refrain in American world-views, politics, culture war, military rhetoric (good guys vs. bad guys) and Hollywood screenplays (Han Solo vs. Darth Vader).

In the United States, a two-party society, there is no debate such as in multiparty Germany, more precisely, there is no debate at all. People in the United States speak of ‘news deserts’ – towns without local newspapers or media. The United States overall is ‘reflexivity desert’ – a society without thoughtful, grown-up discussion about foreign policy or armed conflict, a society that is economically, politically and culturally clustered around a gargantuan military–industrial complex, a country that is in effect in a state of ‘permanent war’ (Melman, 1974). During the past 70 years, the United States has not been involved in an armed invasion or war for only 2 years, 1977 and 1979 (Vine, 2020). Yet war is never a subject in presidential debates. If conflict or war come up in media, it is invariably retired generals or former intelligence analysts that provide comment. Media, Wall Street, Silicon Valley, Congress, Hollywood, universities, research centres and think tanks generally behave in alignment with the military–industrial complex, which double functions as ‘a trillion-dollar silencer’ of dissent (Roelofs, 2023).

What does this have to do with moral support for the defence of Ukraine? Moral values drive and shape intent, but action unfolds at a different bandwidth. The concerns of East Europe and the Baltic states are understandable, but the EU must be cautious about escalation and should counterbalance American permanent war habits. Of course, there is a moral case for the defence of Ukraine, yet there is also a case for scrutinizing the operations of the world’s mightiest war machine. Moral support is fine but full-scale participation in the American war machine, of which NATO is an annex, is a different matter. By many assessments the conflict in Ukraine is a proxy war between the United States and Russia, which means a wider horizon. Wariness of escalation and de-escalation are important when nuclear brinkmanship is on the table. Brinkmanship is part of the American toolbox (Nederveen Pieterse, 2007). Do not drive a major nuclear power into a corner. US and NATO intent is to weaken Russia so China stands alone, which would widen the options for a Pacific war, a much larger hegemonic contest, which requires us to use a wide-angle lens. While single-mindedly hammering on morals, Kögler loses the plot of geopolitics. While framing morals as the seamless continuation of politics, Kögler glosses over the fine print. The geopolitical fine print includes the

tension between the rule of law and the rule of power, between the UN Charter principle of territorial sovereignty and the UN Security Council veto power of the permanent five. Kögler's approach is long on philosophy and short on sociology and geopolitics.

Visiting Vladimir Putin in late March 2023, Xi Jinping presented China's 12-point peace plan. The first point and the basis of the plan is that negotiations should start with the acceptance of the principle of territorial sovereignty. By design, this lies precisely outside the wheelhouse of both Russia and the United States, but it is in tune with the concerns of the world majority. China acts as a balancing power – no ideology, no militarism and a state experience of some 3000 years. China brokers talk between Iran and Saudi Arabia which shake up the Middle East and leave the United States on sidelines. Saudi Arabia also intends to join the Shanghai Cooperation Organization, the Asian counterpoint to NATO. Global templates are in motion.

Democracy or Dictatorship is a shortcut. The binary structure is per definition simplifying and polarizing. The attention goes to the polarity, not to the poles. It sidesteps the question, what kind of democracy – liberal democracy or social democracy? Liberalism means individual rights, not social rights. Liberalism means no guard rails for corporations, financialization, hedge funds, technology.

Kögler's article offers readers a responsibility discount. Do not worry about the American military-industrial complex, its war crimes and destructive regime changes – because it is a democracy. Do not worry about NATO out-of-area operations – because it represents democracies. Support Ukraine in the ongoing Russian war and oppose the Kremlin – it is a war of aggression that is waged by a dictatorship. Knowledge provides us with tools as well as labyrinths.


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