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**TRADITIONAL PARADIGMS FOR THE CAUSES OF WAR
APPLIED TO THE INTERNATIONAL TRADING SYSTEM:
NATION-STATE INSTITUTIONS IN A WORLD OF
MARKET-STATES**

ANTONIO F. PEREZ*

I. Introduction

Inquiry into the set of possible relationships between trade and peace is not a new object of study. Indeed, it is one of the oldest questions of human existence. While it is not a question that permits a final answer, it is, nonetheless, a question that requires continuing reflection. Indeed, how we have considered the question in the past may well be more interesting and useful than the current state of progress in developing empirically valid propositions on the subject. That said, it may be that, at this stage, further progress in developing propositions amenable to empirical testing and validation may depend on developing a sharper understanding of what we mean by the relationship between trade and peace. Perhaps we should instead reflect more on how we have thought about the question, in the hope that doing so would yield some insight for how we should consider it in the future. In a sense, all I want to argue is that what we mean by trade and peace might well be “undiscovered country”¹ for constructing a useful research paradigm in the 21st Century. Even so, one should not have too much hope, for as Hegel wrote: “The owl of Minerva spreads its wings only with the falling of the dusk.”²

The first object of this paper, therefore, is to consider in very general terms the intellectual history of the study of the relation between trade and peace, using two key texts from the beginning and the end of the Cold War — first, Kenneth Waltz’s “*Man, the State, and War: A Theoretical Analysis*”³; and, second, Philip Bobbitt’s “*The Shield of Achilles: War, Peace, and the Course of History*.”⁴ Waltz’s work served as the authoritative survey of the foundational principles for the study of international relations theory during the greater part of the era, and

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as this essay will develop further, the paradigms he fashioned mapped later theoretical developments in the field. Bobbitt's more recent work, as this essay will also further develop, is the most ambitious theoretical alternative to Waltz's paradigms currently available. Each author's attempt to grapple with the relationship between trade and war is the central question motivating their theoretical projects. Analysis of these two seminal texts serves as a vehicle for articulating the changing features of the study of the relation between trade and peace across this era. More important, to the extent one can superimpose Bobbitt's categories on the framework designed by Waltz, notwithstanding the half-century gap between them, the two works compel us to look behind their analyses for common, unanswered questions relevant to the relationship of trade and peace, which in turn could form the basis for future research that transcends the assumptions and peculiarities of the conditions giving rise to, and bringing about the end of, the Cold War, for which these two works serve as bookends.

That said, because Waltz and Bobbitt's works cannot be understood as merely descriptive — either in the case of Waltz's attempt to organize theoretical analysis of the sources of war or in the case of Bobbitt's effort to report on the nature and function of war in modern human history — any analytical benefits that might be derived from attempting to synthesize their work should be discounted to the extent those categories and methods are driven by the normative commitments of the authors. We always need to ask whether those normative commitments serve underlying values, making their theoretical and nominally descriptive work rather a form of implicit advocacy. Therefore, the second part of this paper will argue that Waltz's normative commitments are revealed in the order of his presentation and Bobbitt's normative commitments are revealed in the ostensibly descriptive thesis he advances concerning the triumph of the so-called market state. Furthermore, both normative commitments may be said to formulate the question of the relation between trade and peace in revealing ways: For Waltz, the question is, what causes war? For Bobbitt, the question is, what causes peace?

The third part of this paper asks how we should formulate the question of the relation between war and peace, and it will argue that, until we make distinctions that are explicitly normative in character about the moral significance of different modes of "free" trade or "protectionism" and different modes of "peace" and "war," it will be inevitable that nominally descriptive analysis will be distorted by hidden normative premises. Accordingly, building on the premises revealed in Waltz and Bobbitt's work, Part IV of this paper argues that a fuller account of the

nature of market society and its implications for human behavior at individual, community, and global levels of interaction is necessary before a useful research program on the relation between trade and war can be constructed.

II. Recurring Analytical Paradigms at the Beginning and End of the Cold War

In the early days of the Cold War, Waltz advanced the so-called three-image paradigm.⁵ The so-called first image seeks to explain international violence through the normal operation of certain posited characteristics of human nature — such as a natural instinct for self-preservation yielding rational egoism or, as its theologically-tinged counterpart, the sin of pride — drawing on the work of Spinoza and St. Augustine, together with their modern secular and religious counterparts, Morgenthau and Niebuhr.⁶ The diagnosis of the disease giving rise to war, in Waltz's view, invited a series of responses directed toward the management of human behavior — seeking the moderation of aggressive instincts — as the appropriate remedy for the disease.⁷ Because this first-image analysis did not make Waltz confident that all the causes of international violence could be eliminated, Waltz then suggested that a second-image for diagnosis was required, one at the level of the domestic institutions of states and focusing largely on liberal thought (including the liberal agenda of peace through trade, largely as the fruit of limited government).⁸ Yet, as Waltz showed, the second-image analysis implied for many the need for a socialist agenda of transforming the internal structure of states to remedy the war-causing defects of liberal capitalism.⁹ The failures of second-image remedies prescribed by Marxian and Leninist physicians — namely, the concentration of private capital through the normal operation of the market economy, leading in turn to the capture of governmental policy by private capital, and consequential adoption of imperialist and inevitably war-provoking policies by those governments — led Waltz to posit yet another analytical approach, the so-called third image. Drawing on Thucydides and Rousseau, Waltz focused on the strategic conditions of the system of states, which he termed “international anarchy.”¹⁰ As Waltz morosely summarized: the “obvious conclusion of a third-image analysis is that world government is the remedy for world war. The remedy, though it may be unassailable in logic, is unattainable in practice.”¹¹ In sum, Waltz's analytical project confesses prescriptive failure.

One could argue that Waltz's three-image theory has given rise to the three dominant schools of current international relations theory: social

constructivism, liberal institutionalism, and realism. Social constructivism, like the first-image, explains the conflicts of interest between states largely in terms of the value choices embedded in individual and community conceptions of self-identity. Liberal institutionalism, like the second image, focuses on the creation of international institutions that replicate at the international level the coordinating functions of the modern state. Finally, neo-realism, like the third image, views conflict as flowing necessarily from the fact of strategic competition. Still, Waltz's paradigms remain relevant and should supply a point of departure in developing a research agenda for the study of the interaction between trade and international violence; but the central role of the state in Waltz's subsequent work clarifies that the relationship of second-image explanations to both the first- and third-image perspectives is at the heart of his analysis.¹² However, Waltz's focus on the second-image, liberal paradigm and its relation to the third image generally endorses, albeit in a qualified way, the liberal agenda of peace through trade.¹³ Waltz's position on this question thus forms a starting point for post-Cold War analysis, a fact that is reflected in the important contribution of Philip Bobbitt to the study of international law and international relations theory in "The Shield of Achilles."

Methodologically and substantively, Bobbitt clearly is in dialogue with Waltz, albeit in opposition as well. In terms of methodology, Bobbitt — in a self-conscious effort to reorient international relations theory — purports to argue that causality in war is better understood through a primarily second-image analysis, in which the nature of domestic constitutional law — namely, the central principles that legitimize that state and serve as the touchstone for normative argument, such as federalism in the pre-Civil War U.S. constitutional system — drives the international system; to be precise, Bobbitt claims that the international system is now being driven in a direction conducive to the flourishing of states whose legitimacy will henceforth be grounded on maximizing individual opportunity.¹⁴ That said, Bobbitt insists that history (through the mechanism of human choice) and objective conditions (such as technological change) matter also. He thus maintains that his account of the relation between history, constitutional law, and international strategy is neither uni-directional nor mono-causal.¹⁵

In substance, Bobbitt asserts we are witnessing an emerging struggle between the quasi-libertarian (that is to say, U.S.), quasi-welfarist (that is to say, European) and quasi-mercantilist (that is to say, Japanese) versions of a new kind of state, the market-state — namely, a state or organization, including oddly enough Al Qaeda, dedicated to the pursuit

of the “opportunity” of its members to fulfill their aspirations. This forthcoming era of competition is merely the latest in a series of epochal wars in which different forms of the state engaged in death struggles, with the seeds of the next epochal war sown in the internal transformations that yielded victory in the last epochal struggle; and Bobbitt maintains that this competition will constitute the next epochal war involving international armed conflict, though not necessarily in the form of the pitched battles that have characterized most wars.¹⁶ It was the nation-state form, he argues, that dominated international politics during the long war between modern fascism, communism, and liberal democracy. The nation-state form, he suggests, was committed to national welfare, which enabled it to mobilize the large conscript armies and industrial production that proved decisive in the epochal struggle that culminated in the First World War, in which the nation-state form of constitutional legitimacy (furthering the welfare of a people) triumphed over the older state-nations, such as the first German Empire, in which the state’s legitimacy was grounded in its capacity to create a nation.¹⁷ The nation-state will largely disappear, prophesizes Bobbitt, and the market-state will become the dominant model for governance in this century. Following the Second World War, it was domestic constitutional innovations in the United States, Europe and Japan — favoring the furthering of individual opportunity and creativity over collective social welfare — that enabled them better to harness the communications, nuclear and information-processing revolutions. This competitive advantage in turn enabled these liberal-democratic nation-states to prevail in the long war among the other competing versions of the nation state, but in that process they were transformed into a new form of the state, the market-state, based on a new principle of legitimacy, the maximization of opportunity of the market-state’s citizens or members.¹⁸

Bobbitt’s theory tracks Waltz’s approach in some ways and deviates in others. The independent significance of the three explanatory variables — history through human choice, constitutional law shaping and being shaped by the state, and strategic considerations reflected in international anarchy — clearly correspond to Waltz’s three-image analysis of the sources of war. Unlike Waltz, however, Bobbitt does not consider war a disease requiring diagnosis and remedy; it is rather, for Bobbitt, a fact, whose role is an inescapable part of the evolution of human life in organized communities called states.¹⁹ Thus, Bobbitt’s descriptive claim is that the new post-Cold War international order reflects a struggle between three versions of the so-called market state — a struggle that has a beginning and, no doubt, will have an end. The analysis is dynamic

and, in the words of one critic, “Hegelian,”²⁰ although — as I will explain below — Bobbitt himself would probably be horrified at the suggestion that his theory supposes that one can discern the final purposes of human history.²¹

While Bobbitt’s analysis does not supply more than an outline for a research program into the exact relationships between the shape of the international trade system, each of the variants he hypothesizes for the market state could serve as building blocks for a descriptive research program. The three real-world types of market states might facilitate unpacking the concept of trade itself in terms of three competing stands, or conceptions of trade, as ideal types for analysis of the current international legal system. At one end of the spectrum would be a core, entrepreneurial/libertarian conception; a protectionist, possibly mercantilist, managed trade version — designed to protect domestic, status quo values — would stand at the other end of the spectrum; and, at an intermediate position, one might describe a welfarist effort to balance libertarian values against communitarian social values. One might then begin to consider the degree to which these three versions of trade policy, dictated by the internal constitutional structures of the three competing versions of the market-state shaped the international trading system as a whole. Perhaps the entrepreneurial/libertarian component of international trade law would facilitate individual access to global markets and seek to restrain rent-seeking behavior by interest groups mediated through national and international governance structures. Or maybe the welfarist strand of free trade policy would advance individual market access and economic efficiency of national markets. But this tendency might be constrained by strong limits on the effects of free trade that conflict with non-pecuniary values and social virtues, namely trust and solidarity, which are arguably manifested in labor rights and environmental values and sometimes entail limited protection of certain sectors of the national economy from international competition. The mercantilist strand, by contrast to the libertarian and welfarist approaches, might subordinate individual rights to national interests in pecuniary and non-pecuniary gains, protecting strategically significant sectors of the national economy from international competition.

One could then envision the interaction between trade policy and international violence in terms of a matrix, suggesting possible sub-questions for analysis of the effects of different trade regimes. On one side of a matrix, one might consider the three Waltzian images, moving top-down from nature of the individual, to state system structure, to international system structure. Against this side of the matrix, one could

posit different conceptions of trade for the market state. Conclusions with respect to the most fruitful areas for further research could be drawn on the basis of reconfiguring research questions in terms of the relationships between different conceptions of the market state and the three Waltzian images:

<i>Image\Trade</i>	<i>Entrepreneurial</i>	<i>Welfarist</i>	<i>Mercantilist</i>
<i>Human Agency</i>	Entrepreneurs/ Libertarians	Welfarists/ Communitarians	Mercantilists/ Statists
<i>Domestic Constitutional Structure</i>	Entrepreneurial Market States	Welfarist Market States	Mercantilist Market States
<i>International Anarchy</i>	Entrepreneurial International Anarchy	Welfarist International Anarchy	Mercantilist International Anarchy

The questions such a research program could generate range across the matrix of possibilities, such as: whether, in terms of the entrepreneurial trade located in the context of international anarchy, the formation of transnational elites committed to free trade move international politics in the direction of peaceful dispute resolution; within the framework of welfarist trade viewed from the optic of domestic constitutional structure, whether the rent-seeking and protectionist behaviors permitted by the welfarist model complicate domestic and transnational governments by facilitating capture of national and international security policies by interest groups; and, framed as a question analyzing the relationship between mercantilist trade and human agency, whether national mercantilist orientation encourages nationalist conceptions of exceptionalism that increase the likelihood of public support for aggressive international policies.

Ultimately, one could examine the degree to which each of these possible ideal types characterizes the existing international trade regime, principally the World Trade Organization, and the prospects for its future development. It might then permit a more considered assessment of the recent Sutherland Commission Report, which advances a conception of the WTO and a reform agenda that draws largely on a purely intergovernmental conception of free trade.²² Bobbitt, in this connection, argues that nation-state institutions, such as the WTO, will become increasingly less important in the new international environment.²³

III. Normative Commitments Embedded in Waltz and Bobbitt

It may be that the current WTO reflects a set of normative commitments to national welfare maximization that are characteristic of the nation-state. Yet, organizing research on the relationship between trade and peace in terms of the three images suggested by Waltz and the competing versions of the market state Bobbitt posits also may well presuppose a set of undisclosed normative commitments. We should therefore try to understand the underlying rhetorical strategy embedded in both “*Man, the State and War*” and “*The Shield of Achilles*.” Waltz begins with the question of “why is there war?” Moving from human nature, to state systems, to international systems, he advances a determinist ethic that minimizes human responsibility and moral accountability; perhaps, although this is only speculation, his views express a form of rebellion against the ethical theory that might have caused the U.S. to be isolationist during the inter-war period; that ethical theory supposed the existence of a conception of “international morality” forming the basis for “international public opinion” that would largely enforce international peace.²⁴ Waltz’s three-image analysis is thus a precursor to his formal presentation of structural realism nearly two decades later as a systematic theory of international politics.²⁵

Bobbitt, by contrast, begins with the assumption that there will be war and asks “How does peace come about?”, providing the answer that peace is a temporary condition that constitutes the fruit of victory in an epochal war settling the fundamental constitutional issues facing international society, at least until new issues arise. He thus move rhetorically from the other direction — beginning with the international strategic context, moving to the domestic constitutional law that explains the innovations that yield victory, but describing the role of key historical actors whose choices in history yield victory. As much as Waltz’s three-image analysis foreshadowed his later theory of international politics, Bobbitt’s study of strategy, law and history flows directly from his earlier work on constitutional law and social policy, which reflect the pursuit of an understanding of how values are revealed by human choice at every level of human decision-making.²⁶ In sum, both Waltz and Bobbitt advance underlying conceptions of the role of human choice in history — admittedly in pale shadows of the deeper debate between the Tolstoyan and the Great Man theories of history.²⁷

IV. Reflections on the Market-State and Human Nature

If the market state has become the dominant kind of state, and will serve as the basis for the next international order, study of the relation

between trade and war should then focus on the common, underlying question that concerned Waltz and Bobbitt. The next research paradigm needs to go back, as Bobbitt's own existential commitments seem to require, to a search of a deeper understanding of human nature. More specifically, if both Waltz and Bobbitt, implicitly or explicitly, advance a view of the scope of human agency in determining the causes of war and peace, then serious reflection on their arguments, applied to the question of the relation between trade and peace, needs to sharpen its understanding of the relation between human agency and trade. Clearly, the research matrix presented in this paper suggests further exploration of the ways in which different views of trade can foster, or flow from, different understandings of human nature.

An initial effort to explore those relationships could draw on the work of Albert Hirschman, who — just as Waltz a half-century ago purported to describe the intellectual history of the theory of the causes of international violence — attempted a quarter-century later to describe the competing visions of the effect of market life on human behavior.²⁸ Hirschman, near the mid-point of the period framed by Waltz and Bobbitt, focused on the competing historical conceptions of the effect of the market on human behavior, democracy and peace. The central dichotomy he drew, at least for purposes of this essay,²⁹ is between the so-called sweet or “*doux-commerce*” thesis and the so-called “self-destruction” thesis, which developed in opposition to each other as though in intellectual debate carried on since the emergence of modern capitalism.

Developing first, the “*doux-commerce*” thesis — long associated with the thought of Montesquieu, David Hume and Adam Smith — argues that market society is conducive to good manners, opposition to violence, frugality, punctuality, and probity.³⁰ According to Hirschman, the self-destruction thesis emerged as thinkers on the left and right rebelled against this vision of market society: with Marx, on one hand, arguing that the internal logic of capitalism would bring about “an ever-more numerous and more class-conscious and combative proletariat”; while, on the other side, conservatives such as Bolingbroke feared that “all social bonds were dissolved through money.”³¹

Hirschman then drew attention to various formulations of the self-destruction hypothesis: including Schumpeter's “creative destruction” formulation³²; Horkheimer's Frankfurt School neo-Marxist formulation that reason in Western civilization was destroying the intellectual and cultural basis for that civilization's existence³³; and the game-theoretic account of the prevalence of self-interested behavior in strategic interactions popularized by the Prisoners' Dilemma.³⁴ Finally, in response to

these self-destruction thesis attacks, Hirschman described the recent counter-attack of the *doux-commerce* thesis. Durkheim, for example, drew attention to the possibility that, in the division of labor's replacement of the common consciousness that held together primitive societies, "a decisive role was played by many often unintended ties that people take on or fall into in the wake of market transactions and contractual commitments."³⁵ Thus, social solidarity could be achieved, much as the Invisible Hand would create greater welfare, through entirely un-chosen processes. Additionally, Hirschman pointed to Simmel's observation that "the advanced division of labor in modern society, and the importance of credit for the functioning of the economy, rest on, and promote, a high degree of truthfulness in social relations."³⁶ In short, Hirschman identified sufficient causal chains on both sides of the question to leave any dispassionate reader in doubt as to whether the *doux-commerce* or self-destruction thesis had prevailed, and research on the question continues.³⁷

While Bobbitt clearly favors the self-actualizing opportunities made available in the market state, he arguably should be classified as a member of the "self-destruction thesis" camp. He framed the central issue of the rise of the market-state explicitly in terms of the self-destruction thesis, arguing as follows:

The central point in recognizing the emergence of the market-state is . . . to emphasize the importance of developing public goods—such as loyalty, civility, trust in authority, respect for family life, reverence for sacrifice, regard for privacy, admiration for political competence—that the market, unaided is not well adapted to creating and maintaining. The market-state has to produce public goods because that is precisely what the market will not do. This need for qualities of reciprocity, solidarity, even decent manners domestically, mirrors the need for collective goods, internationally, and thus represents not only a challenge but an opportunity for leadership.³⁸

Like the tragic poets he so admires, Bobbitt appears to believe that it is the very strength of the market-state — its capacity to advance individual opportunities to achieve excellence — which undermines its capacity to produce the other virtues that make life in community tolerable. Yet his rhetoric returns to the centrality of existential self-actualization, given the freedom of the human spirit and the possibility for prudent choice. Obviously, Bobbitt believes that men and women capable of making such choices exist.

Still, any theory grounded in this variable is less a theory than an article of faith. It would be better to unpack and test the assumptions

that market society always undermines solidarity and induces selfishness or always encourages magnanimity and gentility, at any particular level of human governance. Waltz's own ambivalent posture towards the effects of tariff reduction — in increasing the welfare of many, though not necessarily all states, or at least increasing their welfare at different rates³⁹ — hints at the tension between the natural desire to excel, without regard to the success of others, and envious will that measures success only in relative terms. Bobbitt's account of the psychology of heroism — in a book paying homage to the proudest of Greek warriors — is, to say the least, incomplete. What kind of international trade then would be fit for the Achilles whom Bobbitt imagines will shape the future of the international trade regime? We do not know. But would not one instead prefer to narrow the circumstances in which a call for the heroic would be the only remaining answer in the eternal quest to avoid war?

V. Summary and Conclusion

21st century scholarship needs to respect the wisdom of the greatest teachers of the last century. Let me express my continuing admiration for Waltz, who makes critical contributions to the study of the causes of war. The research program generated by Waltz a half-century ago is of enduring significance. The three images give us a useful second-order language to discuss different analysis of the human condition, the nature of states, the role of international trade, and the shape of international society. But Waltz gives us a static mode of analysis, while Bobbitt begins to rectify that deficiency by reintroducing history, making us pay more attention to change. On the other hand, Waltz and Bobbitt do not start from the same place: while Waltz assumes that war breaks out, Bobbitt takes it as the natural condition of mankind. Yet, both assumptions about human nature need to be unpacked and tested against reality. Accordingly, in analyzing one dimension of human sociability, life in the market, we need to explore different starting points in understanding the nature of market society — perhaps as a forum for international cooperation under the so-called *doux-commerce* thesis; alternatively, as a vehicle for international self-immolation under the so-called self-destruction thesis — in Hirschman's spirit of dispassionate inquiry. In short, if we are, as Bobbitt argues, at the end of an international era and the beginning of a new one, it is only now that we can see the "owl of Minerva spread her wings." Certainly, we want to see her and track her flight. Our hopes will do little good if we're looking for her with bad lenses or if we're not looking in the right direction. Both good lenses (that is to say, Waltz's images) and knowing where to look (that is to

say, Bobbitt's understanding that good history incorporates the element of human freedom to choose our individual and collective destinies) will be necessary if we are to follow the owl of Minerva's flight.

NOTES

¹ William Shakespeare, *HAMLET*, Act. 3, Scene 1, line 80–82 (Riverside ed. 1987).

² G. F. HEGEL, *THE PHILOSOPHY OF RIGHT* 13 (T.M. Knox trans., Oxford University Press 1967) (1952).

³ KENNETH N. WALTZ, *MAN, THE STATE AND WAR: A THEORETICAL ANALYSIS* (1954) [hereinafter *MAN, THE STATE AND WAR*].

⁴ See PHILIP BOBBITT, *THE SHIELD OF ACHILLES: WAR, PEACE, AND THE COURSE OF HISTORY* (2002) [hereinafter *THE SHIELD OF ACHILLES*].

⁵ Waltz, *supra* note 3, 1–16. Waltz employed the term “image” to emphasize the notion that he was merely offering devices, much like a lens, that would sharpen vision of reality, permitting focus on elements but perhaps excluding others. One might analogize to a device, such as the human eye, which receives electromagnetic emissions of a given wave-length or frequency but is blind to all other transmissions.

⁶ *Id.* at 16–42.

⁷ *Id.* at 42–79.

⁸ *Id.* at 80–123. Waltz took Adam Smith's claim to be central to liberal thought. Mercantilism, for Smith, promoted international conflict, since states would use force to create protected markets for their exports. Instead, Smith argued for diminishing the role of national government in the regulation of trade. This in turn would necessarily also eliminate government-created monopolies, which had added unnatural inequalities to those that would naturally arise through the normal operation of the free market. *Id.* at 87–89 (citations omitted). In short, Smith saw both international and domestic conflict as the inevitable consequences of governmental intrusion into the normal operation of market. Peace would be the fruit of benign governmental neglect.

⁹ *Id.* at 124–158.

¹⁰ *Id.* at 159–86. Waltz begins with Thucydides iconic explanation for the Peloponnesian War, that it was “the growth of Athenian power, which terrified the Lacedaemonians and forced them into war.” *Id.* at 159 (citation omitted). In short, states exist only as amoral entities, a thought which Waltz pursues by carefully developing Rousseau's use of the metaphor of the so-called “Stag Hunt” to show that in international anarchy, promises will not be kept. Rather, states will defect from their prior commitment to a joint enterprise, such as a stag hunt, which could be successful only be through collective action, when the opportunity for immediate individual gain, such as the capture of a hare, presents itself. *Id.* at 167–68. In short, it is the payoffs from peace and war that explains the behavior of states in international anarchy.

¹¹ *Id.* at 238.

¹² See Peter Gourevitch, Domestic Politics and International Relations, in *HANDBOOK OF INTERNATIONAL RELATIONS* 309, 322 (Carlsnaes, Risse and Simmons eds., Sage 2002) [hereinafter *HANDBOOK OF INTERNATIONAL RELATIONS*]. As Gourevitch writes, Waltz's “three images remain powerful and useful tools for organizing our thinking, but the thrust of work in recent years has been to break down these boundaries, to integrate anarchy and domestic politics, to integrate individualist perspectives with theorizing about states and institutions.” Gourevitch adds that his own “second-image reversed” idea, which “helped introduce the idea that country institutions and internal interests were influenced by international forces,” merely “evokes the idea of interaction between levels, more than a research strategy of how to study that interaction.”; *Id.* (citing “The Second Image Reversed: International Sources of Domestic Politics, 32 *INTERNATIONAL ORGANIZATION* 881 (1978)). See also Jack Levy, *War and Peace* in *HANDBOOK OF INTERNATIONAL RELATIONS* 350 (Sage 2002).

¹³ Waltz believed that the formulation of an economic policy that would work to the

advantage of all countries would be “utopian.” Waltz, *supra* note 3, at 196. He nonetheless held that national controls should be at a level that would “permit an expanded volume of trade throughout the world.” *Id.* at 197. But he cautioned that a “decision to reduce barriers to trade among states would benefit some countries more than others, but in the long run and absolute terms it would benefit all countries. In a condition of anarchy, however, relative gain is more important than absolute gain!” *Id.* at 198,

¹⁴ *Id.* at 213–42.

¹⁵ *Id.* at 5–7.

¹⁶ Bobbitt, *supra* note 2, at 670–76.

¹⁷ *Id.* at 203–04 and 346–47.

¹⁸ *Id.* at 211 and 346–47.

¹⁹ *Id.* at 207

²⁰ David Bederman, *The New International Law in an Old Age of Indeterminacy*, 81 *TEX. L. REV.* 1521, 1533 (2003) (reviewing “The Shield of Achilles”) (focusing on state identity through collective choice).

²¹ Bobbitt, *supra* note 2, at 714 (recounting the parable of the Three Rings, as re-told in Lessing’s play “Nathan the Wise,” whose central meaning is that only the future can decide which of the three rings is truly best).

²² See *The Future of the WTO: Addressing Institutional Challenges in the New Millennium*, Report by the Consultative Board to the Director-General Supachai Panitchpakdi (2004), available at <<http://www.wto.org>>. One noteworthy example of the Sutherland Commission Report’s inter-governmental conception of the WTO is its resistance to a general right to NGO participation in the WTO dispute settlement process.

²³ Bobbitt, *supra* note 2, at 813. Bobbitt writes: “So as long as states rely on a nation-state model for their international order, fruitlessly attempting to cope with new problems by trying to increase the authority of treaties, multistate conventions, or formal international institutions like the United Nations and the World Trade Organization, the society of states will fail to develop practices and precedents for regional, consensual, and market-driven arrangements that do not rely on law for enforcement. Constitutional orders that protect human rights and liberties can coexist with the consequences of the Long War [fought by the competing forms of the nation-state] only if they revolutionize their military strategies; states will only be able to pursue military strategies that enable collaboration and international consensus if they revolutionize their constitutional orders, away from the national, law-centered methods of the nation-state and toward the international, market operations of the market-state.” *Id.* Thus, in Bobbitt’s view, the consequences of the WTO fighting a rearguard action against the forces of globalization, in addition to the issues raised in the Sutherland Report, will be its condemnation to steadily decreasing relevance. *But see* ROBERT GILPIN, *GLOBAL POLITICAL ECONOMY: UNDERSTANDING THE INTERNATIONAL ECONOMIC ORDER* 362–63 (Princeton University Press 2001) (noting, to borrow from Mark Twain, that news of the death of the nation-state has been greatly exaggerated).

²⁴ See generally EDWARD HALLET CARR, *THE TWENTY YEARS’ CRISIS, 1919–1939*, 22–40 & 146–69 (McMillan 1939) (describing the utopian aspirations of the inter-war period and critiquing the role of morality in international politics). Carr quotes U.S. Secretary of State Cordell Hull’s remark on the eve of war in April 1939 that “public opinion, the most potent of all forces for peace, is more strongly developing throughout the world.” *Id.* at 37.

²⁵ See KENNETH WALTZ, *THEORY OF INTERNATIONAL POLITICS* (McGraw Hill 1979). The distinctive feature of “structural” realism, as its name denotes, is a focus on the distribution of capabilities in the international system of states. Discussion of all other explanatory factors in international politics is located in the context of the existing structure and their effects on the evolution of those structures.

²⁶ Bobbitt’s account of the values of the market state bear a curious resemblance to the existentialist and libertarian commitments expressed in his earlier work on constitutional law. See Dennis Patterson, *The New Leviathan*, 101 *MICH. L. REV.* 1715, 1731 (2003) (reviewing “The Shield of Achilles”) (focusing on individual identity); Bederman, *supra* note 20, at 1525 (2003) (focusing on state identity through collective choice). Indeed, the notion of revealing one’s values in the choices one makes, rather than conforming one’s choices to

transcendental values, runs uniformly throughout Bobbitt's writing on a range of subjects. See generally GUIDO CALABRESI & PHILIP BOBBITT, *TRAGIC CHOICES* (Norton 1978); PHILIP BOBBITT, *CONSTITUTIONAL FATE: THEORY OF THE CONSTITUTION* (Oxford Univ. 1984); DEMOCRACY AND DETERRENCE: *THE HISTORY OF NUCLEAR STRATEGY* (McMillan 1988); and *CONSTITUTIONAL INTERPRETATION* (Blackwell 1991). It should come as no surprise, then, that Bobbitt first published the basic hypothesis that would eventually become "The Shield of Achilles" in his comment on a series of papers in a symposium honoring his work in constitutional law. See Bobbitt, *Reflections Inspired By My Critics*, 72 *TEX. L. REV.* 1869, 1876-77 (1994). I feel obliged here to note that, like Bobbitt, in an essay written around the same time, I saw the end of the Cold War as a kind of "constitutional moment" in the history of international law, although my hypothesis was unrelated to the rise of the market state. See Antonio F. Perez, *On the Way to the Forum: The Reconstruction of Article 2(7) and the Rise of Federalism Under the United Nations Charter*, 31 *TEX. INT'L L. J.* 353 (1996).

²⁷ For a splendid exposition of the early 19th century historian's obsession with the role of so-called "Great Men," such as Frederick the Great and Napoleon, in shaping the path of history, see JOHN CLIVE, *NOT BY FACT ALONE: ESSAYS IN THE WRITING AND READING OF HISTORY* 86-106 (1989) (discussing Carlyle's biographical work, particularly his work on Frederick); for an equally penetrating exposition of the Tolstoyan perspective, see Edward Hallet Carr, *WHAT IS HISTORY?* 36-69 (1961). Carr quotes a remark attributed to Tolstoy -- who in his novel *WAR AND PEACE* famously depicted Napoleon as a prisoner, rather than a master, of events -- that great men are no more than "labels giving names to events." *Id.* at 67 (citation not supplied).

²⁸ See Albert O. Hirschman, *Rival Views of Market Society*, in *RIVAL VIEWS OF MARKET SOCIETY AND OTHER RECENT ESSAYS* 105, 106-24 (1986).

²⁹ Hirschman's essay actually is an exposition of the failure of communication between different schools of thought and the cycling of ideas: from the so-called *doux-commerce* thesis to the so-called self-destruction thesis, in turn leading dialectically to a feudal shackles thesis and finally to so-called feudal blessings thesis. Hirschman's central point is that, thus far, the ideological commitments of students of economic development have dominated the study of the relationship between the market efficiency and non-market goods (such as social virtue, solidarity, and political democracy). Hirschman argues for the construction of second-order language that would enable proponents of the *doux-commerce*, self-destruction, feudal shackles and feudal blessings theses to communicate more productively.

³⁰ *Id.* at 107-09.

³¹ *Id.* at 112. Even so, according to Hirschman, the *doux-commerce* thesis seemed to have the greatest resiliency in the context of studies of international trade: "Only with regard to international trade was it still asserted from time to time, usually as an afterthought, that expanding transactions would bring, not only mutual material gains, but also some fine by-products in the cultural and moral realms, such as intellectual cross-fertilization and mutual understanding and peace." *Id.* at 118.

³² *Id.* at 114-15.

³³ *Id.* at 115-16.

³⁴ *Id.* at 117.

³⁵ *Id.* at 119.

³⁶ *Id.* at 121.

³⁷ See Francis Fukuyama, *TRUST* (1994) (a recent, laudably empirical, examination of the relation between development and the social virtues).

³⁸ Bobbitt, *supra* note 2, at 814.

³⁹ See *supra* note 13.