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Ethical Compromise Between IR Actors

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PAUL WINTER, NOV 20 2013

Introduction

There is a void in International Relations literature. That void concerns the role of compromise in international affairs.

The wide-ranging objective of this essay, therefore, is to bring to light this understudied phenomenon. I hope to do this by asking (and answering) an increasingly relevant question: when is compromise between international actors ethically acceptable? In order to offer an answer I turn to two prominent ethical theories: Margalit's deontology and

Sen's capabilities approach. The argument implicitly pursued throughout is that *ethical theory* determines which compromises we view as ethically acceptable. Moreover, I purport to show that Margalit's theory of compromise has two weaknesses which Sen does not face. The text of this essay is divided into three sections. The first refines key terms in the research question; the second introduces Margalit and Sen's ethical theories; the final section bears out, through empirical examples, the two weaknesses with Margalit's position, alluded to above.

1. Refining the Question

The question posed in this essay is: "when is compromise between international actors ethically acceptable?" In order to better answer it, it is important to clarify some key terms.

1.1 International Actors

In this essay 'international actors' will refer to states. Though the rise of multi- and trans- national organizations means that the synonymy between the two terms is looser than it used to be (Patman, 2006, p. 3), states remain the primary international actors.

1.2 Compromise

What is compromise? As suggested by Austin (Day, 1989, p. 480), the dictionary can be a powerful philosophical tool. Two definitions of the term 'compromise' become clear after studying both the dictionary and the literature[1]. I wish to clarify these and identify the type of compromise referred to here.

1. Compromise (1): mutual concession from conflicting ideal positions by parties for practical gain.
2. Compromise (2): To relinquish one's principles.

These definitions mirror the private and public split, which permeates the political philosophy literature[2]. The key difference between (1) and (2) is that (1) is a public mechanism, driven by the need to soften conflicting ideal claims in order to live socially under conditions of scarcity and pluralism (Weinstock, 2013, pp. 538-9; Crick, 1964, p. 28). Contrarily, (2) refers to an actor *abandoning* her principles in the face of practical constraints. This is not implied by (1). My essay will be concerned with compromise in the public sense – compromise (1). That is, the mutual concession from conflicting ideal positions for practical gain.

The understanding of compromise (1) contains both end-state (settlement) and procedural requirements (Golding, 1979, p. 8). To have a compromise of type (1) requires a procedure of concession from the ideals and a status quo

Ethical Compromise Between IR Actors

Written by Paul Winter

improving settlement (Carens, 1979, p. 124; Parijs, 2012, p. 479). This is not an uncontroversial definition, but I believe it is justified in light of the literature.

It is vital to distinguish compromise (1) from its cousins: acquiesce and consensus. Acquiesce is capitulation to a settlement in the face of overwhelming pressure by another actor (Parijs, 2012, p. 469). Compromise occurs under the conditions of scarcity, not *pressure*. Consensus is movement towards the same ideal position (Jones & O'Flynn, 2013, p. 127). Contrarily, compromise implies conflict between ideal positions (Jones & O'Flynn, 2013, p. 119).

The above discussion is far too brief to do justice to what is a fascinating and complicated concept. I hope, however, it is enough to justify three necessary conditions for compromise.

1. The participation of multiple actors.
2. A plurality, and conflict, of ideal claims.
3. Mutual concession in the absence of coercion.

1.3 Ethically Acceptable

Given the above characterization of compromise the research question becomes: 'when are mutual concessions by states, for practical gain, *ethically acceptable*?' Here the reliance on dictionary definitions ends and an investigation of ethical theory begins.

2. Compromise & Ethical Traditions

In this section I hope to elucidate the concept of an 'ethically acceptable' compromise. Firstly I offer the definition of an ethically acceptable compromise from an act-utilitarian perspective. Secondly I introduce two views that dominate the remainder of this essay: Margalit's deontology and Sen's capabilities approach.

2.1 Act-Utilitarianism

The act-utilitarian perspective is predicated on the combined positions of consequentialism, welfarism and sum ranking (Sen, 2006, p. 92) (Sumner, 2006, p. 2). That is, Bentham, Sedgwick et al. believed the moral value of an action is determined by the amount of welfare produced. Further, states of affairs are directly commensurable and comparable based on their utility, where utility is synonymous with welfare (Sumner, 2006, p. 2; Sinnott-Armstrong, 2012). For an act utilitarian, therefore, compromises are ethically acceptable if they increase global utility.

This act-utilitarian position, in light of serious internal flaws^[3], will not be investigated further. Rather, the example serves to illustrate the indispensability of ethical theory in our discussion and act as a counterpoint Margalit and Sen's theories.

2.2 Margalit's Deontology

Deontological ethical traditions are rule-based; predicated on a set of normative propositions (Alexander & Moore, 2012). Moral value is based, not on the consequences of an action, rather on whether it coheres to these normative propositions. Margalit, whose book (2010) offers a comprehensive insight into the issues discussed in this paper, is a deontologist. Margalit's deontology, elaborated in 'The Decent Society,' (1996) is predicated on the normative proposition: 'humiliating human beings is morally abhorrent.' (Margalit, 1996, p. 9) Margalit defines humiliation as: a sound reason for considering one's self-respect being injured by another. He assesses humiliation along three dimensions; dignity, self-control and freedom (Margalit, 1996, pp. 43-44, 115, 119). In the absence of one of these a society is said to be systematically humiliating its people.

Margalit's position on compromise stems directly from his deontology: 'state A should not compromise with state B if state B is under the sway of a regime which systematically humiliates its citizens.' A compromise with a state that systematically humiliates its citizens is rotten (Margalit, 2010, p. 54). Further, states should *never* make rotten

Ethical Compromise Between IR Actors

Written by Paul Winter

compromises (Margalit, 2010; Menkel-Meadow, 2010, pp. 483-4). This suggests a maxim with moral force equivalent to Kant's categorical imperative (Alexander & Moore, 2012): 'a compromise that is rotten is *ethically unacceptable*.'

2.2.1 Sen's Capabilities Approach: An introduction

Sen is a forerunner of a school of ethical thought called the capabilities approach (Wells, 2012). The approach is a hybrid of consequentialist and Aristotelian theory (such hybridization within Aristotelian thought is neither uncommon nor discordant (Nussbaum, 1999, pp. 165-8) Sen's ethical theory is predicated on the concept of functionings (Wells, 2012). A functioning is defined as states of actualized being, distinct from the external goods or internal abilities required to bring these about (Sen, 2009, p. 233). For example, bussing is a functioning, while possessing a bus card (external good) or knowing the bus routes (internal ability), are not. The idea of functionings adheres with Aristotle's contention that in order to *flourish as a human being* certain internal and external states must obtain (Aristotle, 1995, p. 252; Hursthouse, 2013). The notion of functionings generates a related concept: capabilities. Capabilities are functionings that an actor has access to (Nussbaum, 2011, pp. 17, 233). It is capabilities that form the bedrock of Sen's political philosophy. Sen defines poverty as a lack of valuable capabilities, while development is the widening of valuable capabilities (Sen, 2009, pp. 254-5).

The capabilities approach has been roundly criticized for being too vague about what constitutes a valuable capability (Wells, 2012). While Sen concedes that some capabilities are more valuable than others, he contends that value is intrapersonally rather than interpersonally determined (Sen, 2009, pp. 196-7). Assessment of value is best achieved through self-evaluation. Nussbaum (2011; 2006) departs from Sen here, by devising a list of basic capabilities to counter the earlier criticism.

Sen's approach is consequentialist, embracing Arrow's (1977) social choice theory (Sen, 2009, pp. 17, 277-9), yet he rejects the generic welfarism and sum-ranking of the utilitarian position (Sumner, 2006, pp. 2-4). An action is ethically acceptable provided the consequence is *increased valuable capabilities*. His theory, contrary to 'transcendental institutionalism' and other ideational theories, is comparative (Nussbaum, 2011, p. 19; Sen, 2009, pp. 5-7).

2.2.2 Sen's Capabilities Approach: On Compromise

Because Sen has not offered a full exposition on compromise, what follows is an extrapolation from his defense of capabilities. From the above discussion, it appears as though Sen would endorse a compromise wherein the consequence is greater development (where development means the widening of capabilities) as ethically acceptable. This comes with a caveat; provided the compromise between the two parties does not endanger *basic* capabilities in favour of frivolities (Wells, 2012). To elaborate on this sentiment, we must borrow from Nussbaum's[4] consideration of basic capabilities. Nussbaum argues, for example, that education is a basic capability (Nussbaum, 2006, p. 322; 2011, p. 44). A trade deal between two nations which encourages sweat shops (producing frivolous items; designer socks, for example) and reduces the capability of children to access education would be a compromise that Sen (provided he holds Nussbaum's assertion regarding education) is likely to reject. Note, however, that because Sen is a comparative rather than an ideational scholar, he is not committed to an 'all or nothing' approach. Sen is not committed to rejecting all compromises which limit capabilities, when in fact the alternative to compromise may be even more limiting. Sen is only committed to the option with the best consequences.

3. Two Case Studies: America, NK & China

The objective of these case studies is to bear out two critiques against Margalit's approach to compromise. The two case studies are compromises between the US and North Korea, the US and China respectively. The reason these were chosen is; firstly the US is as far as possible from a state vulnerable to coercion by another, secondly, the examples are immediately relevant in 2013.

Ethical Compromise Between IR Actors

Written by Paul Winter

3.1 North Korea and America

North Korea is the paradigmatic 21st Century case of a state under the sway of a humiliating regime. The Kim dynasty has repeatedly demonstrated a failure to preserve the dignity, freedom or self-control of its people. Fear, famine and overt control are all evident in the daily lives of North Koreans (Harden, 2012; Hassig & Oh, 2009, pp. 195-6). Given that North Korea is a state which systematically humiliates its people and limits access to valuable capabilities, what do Margalit's and Sen's approaches tell us about American attempts to compromise[5] with NK?

3.1.1 Margalit on North Korean-US Compromise

It is clear, in light of revelations by defectors like Shin In Guen (Harden, 2012), that North Korea is in the grips of a regime which systematically humiliates its people. Margalit's view tells us, therefore, that *any* compromise with North Korea will be rotten. Further, America should *never* make rotten compromises. Margalit's unwillingness to compromise would scupper hopes of a 'soft landing', predicated on American diplomatic and economic engagement (Selig, 1997). Margalit's restriction suddenly appears blasé. The costs associated with refusing to compromise are stark – North Korea has no consideration for civilian casualties and, as recent military incidents have shown, North Korea, if isolated, is unlikely to 'go quietly' (The Economist, 2010).

Here Margalit would stop me short. In his book he explicitly endorses American compromise with North Korea (2010, pp. 89-90). Yet, how can he categorically reject *any* rotten compromise and simultaneously endorse compromise with NK? The answer is that Margalit's position is more nuanced than the one attributed to him in section 2.2. He offers a caveat to his rule. The caveat, predicated on the Kastner–Eichmann compromises, is 'you *may* make rotten compromises *if* they will lead to the fall of a humiliating regime.' (Margalit, 2010, p. 89) Margalit clearly believes that US compromise with North Korea will lead to the collapse of the Kim dynasty.

I believe that the North Korea-US example highlights an important critique of Margalit's position. Margalit, as a result of his caveat has abandoned any hopes of being prescriptive. In order to determine whether compromise ought to be made we now require two pieces of information before acting (where previously, knowing if a state humiliated its citizens would have been sufficient). Firstly we need to know whether a regime is humiliating its people and secondly we need a theory which will tell us *what kind of compromise* will destabilize such a regime. Margalit does not suggest such a theory. It appears *prima facie*; therefore, that Margalit's caveat means his position becomes primarily reflective. Margalit offers a way of reflecting post-facto on historical examples (as he does, extensively, on the Munich Conference (2010, pp. 19-24)) of compromise and whether or not we should have made them. Margalit does not offer any prescription for *when to make compromises*.

3.1.2 Sen on US-North Korea Compromise

It is irrefutable that North Korea is a regime which is severely limiting the capabilities of its citizens. Given the account of Sen's thought espoused earlier, he would suggest a *comparative assessment* of two possible worlds – one in which America and North Korea compromise and one in which they do not. Given our understanding of the North Korea situation it is likely that not compromising will have two consequences:

1. North Korean citizens will bear the brunt of any costs associated with not compromising.
2. Pernicious nuclear proliferation and regional instability (Bennet & Lund, 2011, pp. 84-7).

Sen, I believe, in a move coherent with Michael Walzer's 'dirty hands' notion, would suggest that in this case compromise is the lesser of two evils (Carens, 1979, p. 139). The world in which America compromises with NK offers wider capabilities than one without it.

3.2 America and China

Since the 1972 détente, ties, especially economic ones, between America and China have thickened. These ties

Ethical Compromise Between IR Actors

Written by Paul Winter

have become more pronounced in the Post-Cold War era, especially in terms of bilateral trade[6]. Unfortunately China is, again, a country which (certainly by Margalit's standards) routinely humiliates its people. The Tiananmen massacre, the Falun Gong crackdown, the crisis in Tibet (Yahuda M. B., 2004, pp. 263, 264 & 269) are all examples of the kind of institutionalized humiliation which I'm sure Margalit would criticize.

3.2.1 Margalit on US-China Compromise

Margalit's more nuanced approach (from 3.1.1) suggests that America should not engage in rotten compromise with PRC *unless* the compromise serves to contribute to the fall of the regime. Any attempt by Margalit, in this case, to suggest that American compromises with China will cause the dissolution of the CCP (Chinese Communist Party) is naïve. If anything, American willingness to engage with the CCP has strengthened its position along two dimensions: firstly in terms of international legitimacy, secondly in terms of Deng Xiaoping's domestic economic 'gamble' (Yahuda M. , 2011, pp. 272-4, 276-84)

In light of this, is Margalit prepared to bite the bullet, and say that America should not compromise with China? Given that China is a state which, by Margalit's standards, systematically humiliates its people and that America's compromise appears to be strengthening, rather than weakening, the CCP position. *Any compromise with China is rotten* therefore; *America should never compromise with China.*

It is through Sino-US relations that I aim to bring out a second criticism of Margalit's position. That is, given the diminishing international space and pervasive base-level globalization (Patman, 2006), the costs of not compromising are extensive. Put simply, states have no choice but to engage in compromise. Moreover, as the confines of international space become tighter and 'jostling' (Waltz, 2000, p. 15) increases, compromises become more frequent and more necessary. In the international arena it is impossible to be as picky about our bedfellows as Margalit wishes us to be. This is simply the nature of International Politics.

3.2.2 Sen on US-Chinese Compromise

Sen's comparative approach invites us to consider which alternative (American compromise with China, or not) would develop greater capabilities. The choice is: either compromise with China by encouraging trade, inter-state travel and military engagement or to isolate China and impose sanctions for the humiliation of its citizens. I think Sen's approach can inform us on two levels here: firstly he would highlight the impracticability of an uncompromising approach towards China – the *actual* (Sen, 2009, p. 233) nature of International Politics precludes it. Secondly, he would encourage the assessment of two possible worlds: one with Sino-US compromise and one without. It appears that the first world, involving extensive trans-Pacific trade is one which evokes a wide development of capabilities, not only of the millions of Chinese rising above the poverty line but also of Americans[7].

The alternative, without compromise, is hard to construct, but one can imagine America would face a currency crisis[8] and massive economic restructuring while China would struggle to maintain its impressive growth that has been largely predicated on access to American consumer markets (Yahuda M. , 2011, p. 276). This is to say nothing of the global consequences of a bipolar standoff permeating through to global governance issues on issues like climate change and maritime security. As compromise in this case surely widens rather than limits capabilities, I believe Sen would endorse Sino-US compromise.

3.3 Two Conclusions in Sen's Favour

I would like to, without belabouring the points, reiterate the two weaknesses with Margalit's view highlighted above.

3.3.1 Prescriptivism

Margalit faces a choice between three alternatives:

1. Provide a theory of regime change which informs us *what kinds of compromises* are likely to lead to regime

Ethical Compromise Between IR Actors

Written by Paul Winter

collapse.

2. Do away with his caveat (introduced in 3.1.1).

3. Abandon any attempt at prescriptivism.

I think he pursues the third option. This means that Margalit's position is essentially one of reflection on historical cases. Depending on the reader's opinion on the cogency of applying learning from historical case study he/she may find this a useful tool. Sen's work, on the other hand, is full blooded prescriptivism. The correct course is the one, given informational constraints, which develops valuable capabilities. Remembering that Politics is the study of a social *activity* (Carens, 1979, p. 125), Sen's prescriptivism is especially helpful for policymakers. Margalit's theory can only apply in the rear view mirror while Sen provides a map. Further, given Nussbaum's list (2006; 2011) (to which we again refer to, in the absence of a consensus on basic capabilities) we can stipulate goals and, in the systematic way game theorists like Butler (2004) and Schelling (Golding, 1979, p. 6) and negotiation specialists like Mnookin (2011) do, study how to, given these goals, reach the *best possible* compromises.

3.3.2 Compromise in International Affairs

In the international arena there is no 'exit strategy' for states. Margalit presupposes that states have a choice in whether or not to engage in compromises with other states. This issue is made abundantly clear in the above discussion on Sino-US relations. The nature of the international system means there is no way to avoid making rotten compromises (except perhaps conflict (Carens, 1979, p. 132)). Margalit's rule for compromise, benign as it might be, is still a rule and rules suggest fundamentalism. Fundamentalism, in any direction is, as has been repeatedly exposed by Weinstock (2013, p. 541), Crick (1964, p. 146), Morley (1888, pp. 122-3) and others, imprudent and at worse, dangerous. If the US refused to compromise with *any* state that systematically humiliated its citizens the world would be a very different, and not necessarily better, place. On the other hand Sen provides hope for muddling our way through tough decisions with the morally valuable objective of developing capabilities and hopefully eradicating humiliation at the same time.

4. An Interlude: The Issue of Semantics

Careful readers will notice that my research question has carefully circumvented a semantic quagmire. Essentially I have been implicitly asking – the same way that Kuflik (1979, p. 39) does – whether it is possible to compromise for practical gain (compromise(1)) without compromising our principles (compromise(2)). Margalit holds that making rotten compromises(1), necessarily compromises(2) our principles. Sen, on the other hand does not think that rotten compromises(1) entail compromise(2). Semantically the distinction offered between (1) and (2) is fragile. This is made clear in Fumurescu's (2010) exposition of the history of compromise. He finds that through the overextension of the *forum internum* and *forum externum* European traditions have collapsed the distinction between (1) and (2) that existed in harmony during the medieval period (Fumurescu, 2013, pp. 269-71). It is vital, for critical analysis of this subject, that, serious attention is given to the semantics, connotations^[9] and linguistics of the term compromise. Without this grounding discourse about compromise in International Politics is essentially meaningless.

5. Conclusion

This essay has attempted to ask and answer the question: when is compromise between international actors ethically acceptable? In order to do so I have dissected the question, introduced ethical theory and discussed the practical implications of Sen and Margalit's ethical views. Margalit rejects rotten compromises which do not bring the fall of humiliating regimes. Sen, on the other hand, endorses case-by-case comparison of counterfactual worlds based on capabilities. I would like to offer some cursory conclusions from the preceding investigation. Firstly, it is clear that choice of ethical theory determines our positions on the ethical acceptability of international compromise. Secondly, Sen's approach offers a more powerful account of the ethics of compromise for policymakers than Margalit on two counts: Sen is a full blooded prescriptivist and he does not misconstrue the international system.

Ethical Compromise Between IR Actors

Written by Paul Winter

It is important to take this conclusion with a pinch of salt. This essay has not discussed the fundamental cogency of either of its two protagonist's ethical theories. Nor am I at all confident that Sen's or Margalit's political philosophies, as applied here, are entirely consistent with their thought[10]. I propose the best way forward is a multidisciplinary study into compromise, similar, perhaps, to that carried out by Penncock et al. in 1979 though with greater emphasis on International Politics; this will enliven the debate on this severely under-studied phenomenon.

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Ethical Compromise Between IR Actors

Written by Paul Winter

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Ethical Compromise Between IR Actors

Written by Paul Winter

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[1] Most notably passages by Weinstock (2013), May (2011, pp. 582-4), Morley (1888), Carens (1979), Jones and O'Flynn (2013)

[2] The split is evident in both Plato (Crick, 1964, p. 152) and Hobbes' (Fumurescu, 2013, p. 277) work.

[3] For example: the non-commensurability of value (Sen, 2009, pp. 239-40), unintuitive conclusions and problems of aggregation (Sinnott-Armstrong, 2012).

[4] This is due to the absence of an international consensus, which Sen requires to rank capabilities.

[5] The Obama administration's desire for bilateral discussions (Snyder, 2013), as well historic agreements over oil during the Bush and Clinton administrations are examples of such compromises (Hassig & Oh, 2009, p. 241).

[6] China is America's largest non NAFTA trading partner accounting for USD103,986 million of American exports and USD 197,858 million of American imports in 2011. (U.S. Department of Commerce, Census Bureau, Foreign Trade Division , 2013)

[7] China's massive export market forms the basis for American consumerism. Though Sen is critical of equilibrating the capability being able to buy another laundry detergent with (for example) the capability to read (Wells, 2012), two things are noteworthy: firstly, being able to buy another detergent is still a capability and secondly, the US economy is predicated on access to consumer goods, the loss of this access would result in a reduction in capabilities far more extensive than not being able to buy detergent.

[8] China currently owns USD 1.22 trillion US Treasury Bills (Business Daily Update, 2013).

[9] These are especially pernicious. See, for example, Jeff Boehner's reaction to an interview on *60 Minutes* in 2011 (Nunberg, 2011).

[10] Sen is particularly scything of such misrepresentation (Sen, Reason, Freedom & Well-being, 2006).

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