

# Defending political autonomy: a discussion of Charles Beitz

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Among political philosophers, discussion of Charles Beitz's very important book *Political Theory and International Relations* has focused mainly on Part Three, in which Beitz addresses the issue of global distributive justice, and argues in favour of applying Rawls's difference principle globally: an ideally just world would be one in which the share of income and other primary goods going to the least advantaged group of persons would be maximised, no matter which society those persons belonged to. There has been much debate about whether relationships across the world are cooperative in the sense that this principle is thought to presuppose, how one might construct an international index of advantage and disadvantage, and so forth. Beitz himself has contributed to this debate, and it remains central to contemporary work on global justice.

Before getting to Part Three, however, Beitz has to set aside two conceptions of international relations which, if they were valid, would for different reasons make the conception of global justice defended there redundant. The first he calls 'international scepticism', the view that states will inevitably pursue their own national interests regardless, so all talk about achieving global justice is simply idle. The second he calls 'the morality of states', and this is the vision of a world of independent and sovereign states which observe certain restraints in dealing with one another, but do not recognize strong positive obligations across their borders, such as the obligation to promote distributive justice worldwide. Unlike the first, this is not an amoral conception of international society, but it does imply that we should distinguish sharply between social justice as pursued domestically within each state and international justice. Whatever the latter may mean, it cannot be simply a geographically extended version of the former. So to get his argument for the global difference principle off the ground, Beitz has first to dismiss the morality of states view, along with international scepticism.

I propose in this essay to focus my attention on his critique of the morality of states, and in particular his arguments against the central element of that view, the idea of state autonomy. Beitz admits that there is some reason to value state autonomy, but, he believes, far less reason than is usually thought. He looks particularly at two doctrines that conventional international morality takes for granted. One is non-intervention: the view that states may not intervene coercively in one another's internal affairs, except perhaps in the most extreme circumstances, for instance to prevent genocide. The other is self-determination: the view that communities of people who wish to become self-governing – to throw off colonial rule, or to secede from states in which they form a minority – have a right to do so. Beitz thinks that the arguments used to support these doctrines are quite weak, and that neither non-

intervention nor self-determination should be treated as a fundamental value in international relations. It is often wrong to intervene, and sometimes right to support self-determination struggles, but the reasons are contingent and have to do with the likely consequences of intervention and self-determination respectively.

In *Political Theory and International Relations*, these questions are addressed from within liberal political philosophy. In his later writings, as I shall show, Beitz takes greater account of communitarian defences of state autonomy, and as a result becomes somewhat more sympathetic to self-determination especially, although still without granting it foundational status. But to begin with the original text, Beitz conducts the argument chiefly by appealing to the values of freedom and social justice. He demolishes, very effectively, the claim that state autonomy can be justified by appealing to the freedom of individual citizens. On the positive side, he argues, somewhat less effectively in my view, that state autonomy should be supported only where it contributes to social justice.

Non-intervention in the affairs of other states is sometimes defended in the same terms as one defends non-interference with the lives of individuals. Just as each person should be allowed to pursue his or her own plan of life unless the pursuit interferes with the plans of other persons, so, it is suggested, political communities ought to be allowed to organise themselves as they wish and pursue whatever goals they choose without outside interference, up to the point where they begin to impact negatively on other states. As Beitz points out, the analogy breaks down because there is no reason to think that individual people will give their consent to the policies their government pursues.<sup>1</sup> Why, then, is being coerced by outsiders any worse than being coerced by your own government? As for self-determination, there is again a very significant gap between the collective autonomy of a self-governing people and the personal autonomy of each citizen. Even if self-determination takes the form of democratic self-government, one may still find oneself subject to the rule of an intolerant majority. In short, states are not voluntary associations: one cannot defend their independence by appeal to the free consent of their individual members.

This critique of a certain liberal approach to state autonomy is telling. And it is then natural to recast the autonomy issue in terms of justice. If people's membership of political communities is essentially non-voluntary, then what matters is that they should live together on terms of justice. Or as Beitz himself puts it:

The idea that states should be respected as autonomous sources of ends, and hence should not be interfered with, arises as an analogue of the idea that individual persons should be respected as autonomous beings. But the analogy is faulty. The analogue of individual autonomy, at the level of states, is conformity of their basic institutions with appropriate principles of justice.<sup>2</sup>

Hence outside interference may be justified, in principle, when it is directed towards removing domestic injustice; and self-determination, whether in the form of decolonisation or nationalist secession, is justified only when it can be shown to have justice-enhancing effects.

<sup>1</sup> C. Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979), Part II, section 1.

<sup>2</sup> Beitz, *Political Theory and International Relations*, p. 122.

But now we must ask: what criteria of justice should we use in making these judgements? In the quotation above, and throughout this section of the book, Beitz speaks of ‘appropriate principles of justice’ and his use of words here is quite deliberate. He wants to allow that the criteria may vary somewhat from one society to the next. In general Beitz’s thinking about justice has been strongly influenced by Rawls’s, and although in Part Two of *Political Theory and International Relations* he does not specify any particular principles, I read him here as following that part of Rawls’s argument in which the latter recognises that the famous two principles of justice may apply only to societies that have reached a certain level of economic development. In economically poor societies, it may be rational to sacrifice a certain amount of liberty if this allows material standards of living to rise more rapidly.<sup>3</sup> In similar vein, Beitz allows that representative political institutions may be hard to establish in post-colonial societies. As he puts it, with characteristic caution, ‘it is at least conceivable that representative institutions would be limited in their scope because of the demands of rapid and equitable economic development or the constraints of low levels of education and primitive systems of mass communications’. And in a footnote he adds:

I do not mean to take a position here on the choice of principles [of justice] for groups characterised by low levels of development or of well-being. I claim only that it is not obvious that all legitimate governments must include representative institutions in the sense familiar to liberal theory.<sup>4</sup>

Such caution is wise, and in some respects foreshadows Rawls’s own later view in *The Law of Peoples* that we should expect different societies to adopt different principles of justice, not only because of different levels of economic development but also because of differences in their cultural composition.<sup>5</sup> But how then are we to decide which ‘appropriate principles of justice’ to apply when ruling on non-intervention or self-determination claims? At this point Beitz appeals to the idea of a hypothetical contract: we should ask which principles rational citizens of the society in question would agree to in advance of knowing how they would be affected by them personally.<sup>6</sup> So the position now is that state autonomy is justified if and only if it serves to promote social justice, where social justice is to be understood as those principles that the citizens of the state in question would rationally have agreed to in advance.

This position is not circular in a logical sense, but in a practical sense it comes close to being so. For how can we tell which principles of justice the citizens of a particular state would choose if they are not given the political autonomy which would allow them to reach agreement in public over matters of justice? Or to put the point positively, the conception of social justice which emerges from democratic political debate is surely the best evidence we can have about what citizens would agree to behind a Rawlsian veil of ignorance. Of course this assumes more than simple self-determination, in the sense of not being governed by outsiders. It assumes

<sup>3</sup> J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), esp. section 82.

<sup>4</sup> Beitz, *Political Theory and International Relations*, p. 98.

<sup>5</sup> J. Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), esp. sections 7–8.

<sup>6</sup> Beitz, *Political Theory and International Relations*, pp. 98–102.

*democratic* self-determination, where the state responds to public opinion formed by free discussion among the citizens. But the point is that we cannot treat the relationship between state autonomy and social justice as simply instrumental. We might do this if we thought that social justice stood for an invariant set of principles of social distribution. It would then be a straightforward empirical question whether in a particular case intervening or granting self-determination would help or hinder the pursuit of justice. But once we allow that conceptions of social justice may legitimately vary, the relationship between political autonomy and social justice becomes closer, and the argument for granting political autonomy correspondingly stronger. In practice at least, a just society – one governed by principles that its members would rationally endorse under suitable conditions – must also be self-determining.

There is a second problem with treating state autonomy as purely instrumental to social justice. Let us continue to say, with Beitz, that appropriate principles of justice are those that would be rationally agreed to by citizens behind a veil of ignorance. The question arises, who should be allowed to take part in this hypothetical contract? The question becomes a relevant one if we consider a divided political community, one where people in the various sub-units differ somewhat in the principles of social justice that they favour. Should we think in terms of a single contract, representing some kind of compromise between the different conceptions of justice found in the sub-groups, or in terms of multiple contracts, one within each sub-group? This question highlights the fact that social justice, conceived as Beitz does in broadly Rawlsian terms, is not an idea that can be used to settle the boundaries of the political community within which it is going to be applied. The boundary issue must be resolved first: once we know who is to be included in the political community, we also know who the contracting parties are. Rawls does this by postulating a largely self-contained national community as the relevant ‘co-operative scheme’ within which his principles of justice are to be applied.<sup>7</sup> In other words, he assumes that the boundary issue has already been decided, and proceeds to develop a theory of justice on that assumption. But Beitz wants to *settle* questions such as decolonisation and secession by appealing to an independent standard of justice: an empire or a state can legitimately be broken up when doing so is likely to enhance social justice, but not otherwise. It is this position that I find problematic.

Let me now add two caveats to the argument I have just made. First, I do not want to dismiss the idea of universal standards of justice altogether. I think, for instance, that basic human rights constitute such a standard, and that it may sometimes be relevant in considering questions of state autonomy to ask what impact different ways of distributing political authority would have on these basic rights. Sometimes but not always: in considering a case such as Serbia, Bosnia and Kosovo, safeguarding basic human rights such as the right not to be killed or mutilated is a relevant consideration, whereas in a case such as Quebec and Canada, it would not be (fortunately, neither continued federation nor the secession of Quebec would have any impact on these rights). Second, it may sometimes be relevant to ask whether a potential new state is in fact capable of practising social justice internally, in the sense of governing itself by principles that all citizens can accept. This would be

<sup>7</sup> Rawls, *Theory of Justice*, p. 457.

relevant, for example, where the proposed state contains a minority group who will be oppressed if the principles favoured by the majority are applied, even if their oppression does not amount to a violation of their basic rights (a hypothetical Quebec that proposed to exclude English-speakers from large parts of the economy would be such a case). It may be that when Beitz appeals to justice to resolve disputed questions of state autonomy, it is these fairly extreme cases that he has in mind. My point, by contrast, is that there are many autonomy questions that can't be settled by appealing to social justice, because until we know what the boundaries of the political community are going to be, we won't know which are the 'appropriate principles of justice' to apply.

In the original text of *Political Theory and International Relations*, to sum up, Beitz tries to make the idea of social justice do too much work – to give us a criterion which we can use to decide when intervention in the domestic affairs of states is legitimate, and when political communities that are not yet self-determining have a right to be so. In his published work subsequent to that book, and in the Afterword of 1999, he takes more seriously what he calls the 'communitarian argument', the argument that turns on the idea of cultural integrity.<sup>8</sup> Because each political community has its own particular values and traditions, and wishes to live by these, there must be a strong presumption that it should enjoy political autonomy, and that outside agents should not interfere except in extreme circumstances. Beitz acknowledges the force of this argument in the abstract, and this makes him, in general, somewhat more sympathetic to the case for state autonomy. But he also attempts to blunt its force by showing that it depends upon empirical presuppositions that in many cases will not be met.

As Beitz interprets the communitarian argument, it does not assume that the political community whose integrity is to be protected is self-governing in a democratic sense – its institutions may be autocratic or theocratic, for example. He then raises two problems for the argument.<sup>9</sup> The first is the possibility of moral conflict: disagreement within the community not just about moral values in general but more specifically about the political values that the state should attempt to embody or pursue. The second is that there may be a lack of fit between the community's traditions and its institutions, so that the form of government which is actually in place does not promote the community's values, even if there is agreement on these values. In either case, Beitz argues, outside intervention might be justifiable as a way of furthering the local values, or of achieving a better balance between them in the case of moral conflict. If neither possibility obtains – if there is genuine moral consensus in the community, and the prevailing political institutions embody this – then the communitarian argument has force. But here there would in any case be strong reasons not to intervene, because it would be very unlikely that the consensus would be 'inconsistent with moral requirements of very great weight'.<sup>10</sup>

<sup>8</sup> He refers particular to Michael Walzer's article, 'The Moral Standing of States: a Response to Four Critics', *Philosophy and Public Affairs*, 9 (1979–80), pp. 209–29.

<sup>9</sup> C. Beitz, *Political Theory and International Relations*, revised edn. (Princeton, NJ: Princeton University Press, 1999), Afterword, section 2.

<sup>10</sup> Beitz, *Political Theory and International Relations*, revised edn., p. 198.

Where the communitarian argument applies, Beitz concludes, its implications for the intervention issue are very much the same as those of the justice argument.

I think this critique underestimates and to some extent misrepresents the communitarian case for state autonomy. Those who support the communitarian argument wouldn't deny that it has greatest weight in the case of states that are democratically self-governing and that encompass just a single national community. But there is good reason not to restrict it to such states, given that many states include national minorities, and given that in many cases the preconditions for democratic self-government in the full sense do not exist. In such cases what the argument requires is that there should be mechanisms that make government responsive to the people that it governs, whether these take the form of elections or of other forms of consultation. If these mechanisms exist, and if they allow the interests and opinions of the various groups that make up the political community to be represented in a reasonably fair way, then the communitarian claim is that leaving the community to make its own decisions is better than trying to second guess, from the outside, which institutions and policies best reflect the balance of interests and opinions. Here we should recall that even in full-fledged democracies there is a great deal of moral disagreement, some of it extending to basic political issues such as the electoral system that should be used, whether there should be a written constitution embodying judicial powers to nullify legislation, and so forth. Yet in this case there is a universal presumption against outside interference, on the grounds that each democratic state is entitled to resolve these issues through its own procedures. We know, for instance, that Americans are deeply divided on issues such as the death penalty and the right to bear arms, and outsiders like myself might think that the legal position that presently obtains on both issues is deeply misguided, but no-one proposes outside intervention – not merely because it would be ineffective, for obvious reasons, but because we respect American citizens' right to decide these questions themselves. Outsiders may offer advice and encouragement, but that is all. This argument does not fly out of the window as soon as we turn from states that are formally democratic to those that are not, so long as in the latter case there are mechanisms that render the political institutions responsive to the community's values and traditions. The communitarian argument is not meant to apply to dictatorships upheld by repression or to forms of government coercively imposed from the outside.<sup>11</sup>

In another essay, Beitz looks critically at the communitarian argument as it bears on the issue of minority group secession from established states. He argues that, in general, self-determination questions should be settled on instrumental grounds: 'a group is entitled to determine its own political arrangements when the prospective gain in respect for the important interests of its members outweighs the cost in respect for the important interests of others'.<sup>12</sup> He allows that membership in a

<sup>11</sup> I mention this because Beitz at one point cites 'the communist governments of the countries of Eastern Europe during the Cold War' as an instance of a lack of fit between a community's traditions and its political institutions. But these governments were kept in place by the Soviet Union, by force of arms if necessary. No one sympathetic to the communitarian argument would apply it to such cases – on the contrary, the argument is intended as a critique of imperialism of this kind.

<sup>12</sup> C. Beitz, 'Cosmopolitan Liberalism and the States System' in C. Brown (ed.), *Political Restructuring in Europe: Ethical Perspectives* (London, Routledge, 1994), p. 131.

certain type of group – ‘roughly, one which has a pervasive, common culture and whose members tend to identify themselves with the group’ – is itself an important interest, and that self-determination may be necessary to allow such groups to prosper. What he does not allow is that for such groups, self-determination might be of intrinsic as well as instrumental value. Even if their interests, including their cultural interests, were to be adequately protected by a state in which they form a minority, they might still have strong reasons for wanting to secede. What is missing from Beitz’s argument here?

We have now moved on to the terrain of nationality, since the groups described in the last paragraph will almost certainly be minority nations. Why, then, does self-determination matter so much to such nations even if they are not the victims of oppression and injustice and their cultures are secure? One reason is that cultural meanings and cultural practices are never fixed, but in a constant process of evolution, and there are good reasons for wanting this process to be subject to political control. At every stage there are choices to be made. Should these old buildings be preserved or pulled down? Does it matter that use of the national language is declining from generation to generation, and if so what should be done about it? How far should immigration policy be governed by cultural as opposed to economic considerations? These are issues that ideally should be debated and decided in public by the community itself – even well intentioned outsiders eager to protect the culture are liable to get the answers wrong. Again this presupposes democratic institutions, and underlines the point that the communitarian argument has greatest force where democracy can or could prevail – indeed where democracy takes a deliberative form. But where the argument applies, it shows why minority nations have an intrinsic and not merely instrumental interest in self-determination: self-determination is an ineliminable aspect of authentic cultural development.<sup>13</sup>

A second reason for wanting self-determination is simply that this aspiration is built into the idea of nationhood: to think of oneself as Hungarian or Kurdish is to see oneself as part of a group that ought to determine its own future. To deny the aspiration shows a failure of respect for the group in question, who cannot achieve what other peoples, who they regard as their peers, are able to achieve. Admittedly this aspiration can be made to seem strange, and some people do not share it. If I’m a citizen of a well-functioning democracy that treats my national group fairly, why should it matter that my group isn’t politically autonomous? Why should I link my self-respect to the political status of the group? Yet it seems that this is precisely how many people regard the issue, and then the onus must be on those who deny the intrinsic value of self-determination to show why such concerns should be disregarded. Of course it’s relevant to point out, as Beitz does, that one group’s interest in self-determination must be balanced against the interests of others who

<sup>13</sup> There may be some ambiguity about where the line between intrinsic and instrumental justifications of self-determination should be drawn. I am treating as instrumental those justifications which see the connection between self-determination and the value or values it promotes as empirical and contingent – the value or values in question could be promoted in other ways, but as things stand, self-determination for the group is the best way forward. In contrast, I am treating as intrinsic those justifications which see the connection as an internal and necessary one, so that self-determination is being valued for its contribution to a larger whole (for example, authentic cultural development) of which it forms an essential element.

may be harmed if self-determination is granted. Showing that a national minority has an interest in secession doesn't settle the issue of whether it should be permitted to secede. But we should start with the presumption that national self-determination is a good, and then look for political arrangements that represent a fair compromise between the conflicting interests at stake – in some cases these might be forms of devolved government or federalism that fall short of outright separation.<sup>14</sup>

It may not in the end be clear how much practical difference it makes whether one adopts Beitz's perspective on questions of intervention and self-determination or the more communitarian position he criticises. On both sides it is agreed that it is valuable for political communities to be self-determining, and that coercive interventions should take place only when serious human rights violations or similar forms of injustice are occurring. In the concluding section of the Afterword to *Political Theory and International Relations*, Beitz concedes that the distance between his own moderate version of cosmopolitan liberalism and the 'social liberalism' that he attributes to the later Rawls and others – a contemporary version of the morality of states – may not be great. What needs spelling out here is the conception of distributive justice that the cosmopolitan liberal proposes to apply to world society, for it is only when we have that conception clearly in view that we can decide whether it is consistent with Beitz's newer, more concessive, line on national self-determination. If political communities are in general to be self-governing in matters of economic and social policy and so forth, what scope is left for cosmopolitan principles of justice that seek to treat people equally regardless of which community they belong to?<sup>15</sup>

<sup>14</sup> I have looked more closely at this question in 'Secession and the Principle of Nationality', in J. Couture, K. Nielsen and M. Seymour (eds.), *Rethinking Nationalism* (Calgary: University of Calgary Press, 1998), reprinted in M. Moore (ed.), *National Self-Determination and Secession* (Oxford: Oxford University Press, 1998) and in D. Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000).

<sup>15</sup> See further my essay 'National Self-Determination and Global Justice', in Miller, *Citizenship and National Identity*.