

Political Philosophy: The Challenge of Guidance in light of Issues of Self-Determination

Presentation Proposal

Political philosophers are engaged with a wide range of topics linked with international law and other international institutions (Pogge and Barry 2005), covering a span from humanitarian intervention to issues of national sovereignty and human rights. Within these broad fields of interests, the question of secession and self-determination has attracted a lot of attention, especially during the nineties (Buchanan 1997, Moore 1998).

In light of this issue of self-determination, I would like to put forward two thesis. The first one is a methodological matter, pointing out that a vast amount of work done in political philosophy has been unable to provide guidance in the morally very pressing task of reforming global institutions. Built upon this first methodological point, the second thesis is meant to put forward a morally cogent reform proposal for international law of self-determination, namely the model of self-determination as non-domination.

As in other areas of contemporary political philosophy, one striking feature of the current literature on issues relating to international law (here through the example of self-determination and secession) is that many theorists have been reluctant to engage with non-ideal issues and, furthermore, with the issue of moral reasoning *within* institutional frameworks (Buchanan 1997, Moore 1998). I want to push the case for political philosophy to engage with reform proposals. It is one thing to develop ideal theory, in the form of an ideal model of international law and relations among or between states. But, as convincingly advocated by Buchanan (2004), ideal theory is condemned to remain “inescapably speculative” if it goes further than formulating the most basic moral goals of the international order. If political philosophy wants to become more practical, in the sense of informing reform proposal in a morally cogent way, it shall accept the requirement of “institutional moral reasoning” (Buchanan 2004, or Norman 1998). By this, I mean the requirement to start a moral investigation from within institutional frameworks, thereby taking into account the specific character of institutions (i.e. the creation/existence of incentives and the assessment of the overall consequences in the light of the basic moral goals). This way of proceeding has two important consequences. First, it forces the theorist to work out a complete moral theory of international law (“holism”, Buchanan 2004) and, second, it requires a more sustained dialogue with other disciplines, such as international law. In this double sense, ethicists cannot address one issue separately from a whole theory, but also not without engaging with existing international institutions.

In this methodological context, the model of self-determination as non-domination proposed by Young (2007a and 2007b) strikes as particularly interesting. By taking non-ideal features of the current stand of institutions into account, the proposal is able to provide a morally cogent guidance in the process of reforming provisions on self-determination.

The main idea of the non-domination model is to consider self-determination as granting a substantial autonomy to “peoples”, defined as an historical community of individuals, living according to shared cultural patterns, whose members recognize themselves and their likes as members of the same people (Kymlicka 1995). On the theories' map coined by Buchanan (1997), my proposal qualifies within the family of ascriptivist primary right theory. But non-domination has serious advantages over other similar accounts (such as Miller 1995, Tamir 1995), because it provides a morally well justified basis to distinguish between a right to secession and a right to self-determination. International law should grant peoples a general right to self-determination as non-domination (encompassing prerogatives to self-government and the requirement to engage in cooperative institutionalized relationships with the entities, with which they entertain permanent interactions), but should only grant a remedial right to secession (merely justified as an *ultima ratio* solution, under strict control and monitoring of the international community).

As exemplified through the proposal of self-determination as non-domination, political philosophy, following a non-ideal institutional methodology, should not be reluctant to contribute to the process of reforming current international institutions.

Bibliography

- Buchanan Allen (1997), "Theories of Secession", in *Philosophy and Public Affairs*, Vol. 26 (1), pp. 31-61
- Buchanan Allen (2004), *Justice, Legitimacy and Self-Determination. Moral Foundations for International Law*, Oxford University Press
- Kymlicka Will (1995), *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Clarendon Press, Oxford University Press
- Miller David (1995), *On Nationality*, Clarendon Press, Oxford University Press
- Moore Margaret (ed.) (1998), *National Self-Determination and Secession*, Oxford University Press
- Nielsen Kai (1998), "Liberal Nationalism and Secession", in Moore Margaret (ed.), *National Self-Determination and Secession*, Oxford University Press, pp. 103-134
- Tamir Yael (1995), *Liberal Nationalism*, Princeton University Press, 3rd printing with a new preface
- Young Iris Marion (2007a), "Two concepts of Self-Determination", in Young Iris Marion, *Global Challenges: War, Self-Determination, and Responsibility for Justice*, Polity, Cambridge University Press, pp. 39-58
- Young Iris Marion (2007b), "Self-Determination as Non-Domination: Ideals Applied to Palestine/Israel", in Young Iris Marion, *Global Challenges: War, Self-Determination, and Responsibility for Justice*, Polity, Cambridge University Press, pp. 58-77