

# POLITICAL MORALITY AND THE LIMITS OF NATIONAL SOVEREIGNTY

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## Introduction

**T**he tension between those who assert the primacy of national sovereignty and those who assert the primacy of morality be it through appeals to individual conscience, divine inspiration, international institutions and international law or universal values has existed for centuries. It has, nevertheless, come into a particularly sharp focus in recent years as international instruments have grown which have as their basis an appeal to a universal morality. This tension has become all the more acute following the collapse of the Communist world and the attendant triumph of the liberal democratic model of state and society. In South Asia, a public discourse that seems to me to be dominated by devotion to national sovereignty makes it all the more necessary to understand the implications for political morality which such an unconstructive conception entails.

A conflict between political morality and the dictates of national sovereignty is inevitable, whatever the political morality one chooses to uphold. Liberals, Conservatives, Socialists and Communists would, if they consistently applied the morality their respective ideologies necessitate, come up against the barrier of national sovereignty. It is only fascists and nationalists whose ideologies are intimately related to the idea of nationality, which in turn is integral to the conception of national sovereignty, who would not perceptibly come face to face with this difficulty.

## The Definition of a Just Political Order

**W**hen one argues a particular case in relation to a particular political conception, which is intimately related to one's own ideology, one's first obligation is to make this plain, not seek refuge in a specious and spurious objectivity. I write as a Liberal, as one who believes that the freedom, dignity and integrity of the individual human being should be the primary purpose of politics. Accordingly, it is my belief that the maximisation of individual liberty must be the primary aim of a Just political order. A just political order can be for me, only one that enables the maximisation of individual liberty. It is all too evident that the maximisation of individual liberty is impossible of achievement except in a political order, and hence in a state, where sufficient space exists for individual self-realisation.

While in discussing the nature of the political order, many issues of considerable interest in political theory can be introduced, for my present purposes, it is sufficient that by the term 'political order', I concern myself with the nature of the state. As the notion of national sovereignty is closely bound up

with the state, such an approach seems to me, not only adequate, but even, appropriate. The discovery of what is a just political order, rests then, in accordance with the ideological premises from which I began, on the response to the question 'what is the kind of state that provides sufficient space for individual self-realisation?'

Before this question can with any accuracy be responded to, it is necessary that we have an understanding of what is meant by 'sufficient space for individual self-realisation'. Even the most cursory observation of human behaviour makes plain that individuals do possess different values, that they are inspired by diverse ideals or attitudes and that they seek and achieve fulfilment in very divergent ways. It is by permitting diverse individuals, to seek their own fulfilment or happiness or self-realisation, whether, as Alan Ryan once put it, as philosophers or as motor mechanics, to get their pleasure from reading pornography or the works of Shakespeare, of John Stuart Mill or of Karl Marx, that a state and society most at peace with itself, can be achieved. Such a state is not, as is sometimes erroneously believed, morally neutral between rival conceptions of the good. On the contrary, it is its devotion to a particular and distinct conception of the good, that it is only a society which provides as much space as possible for the pursuit of rival conceptions of the good, provided that such pursuit does not actively curtail the space for others to pursue their different conceptions of the good, which makes such a state provide such space.

What does it mean to provide as much space as possible for the pursuit of rival conceptions of the good? It means that the state must enable different points of view to be expressed on all issues important and trivial. It means too that the arbiter between these rival conceptions, must be the people themselves, and that entails the maintenance of representative institutions.

Representative institutions are then a necessary condition of a political order where sufficient space exists for individual self-realisation. The existence of representative institutions is not, however, a sufficient condition for such space to exist. If the people, by which one means a numerical majority of the people, is, to decide between rival conceptions, it may seek to impose a particular conception of the good as the only one worth pursuing. Such a majority may decide that while motor mechanics are necessary to any society, philosophers are not. A just political order therefore is one in which fundamental individual rights are guaranteed and protected, even against the wishes of the majority.

If representative institutions are to exist, as such institutions must include the Government, political opinion must be permitted to be so organized that individuals have choices before them. Political parties are then an essential feature of representative government.

The kind of state which provides sufficient space for individual self-realisation must therefore, confer on its citizens individual rights, have representative institutions, political parties and the freedom of publication and association, so that diverse points of view are able to be, and are, expressed. As is well known, in contemporary political usage, such a state is known as the liberal democratic state.

The question therefore has now been responded to. It is only a liberal democratic state which is conducive to the maximisation of individual liberty. The notion of a just political order from the perspective of anyone desirous of maximising individual liberty, is therefore inseparable from the existence of the liberal democratic state.

## Individual Sovereignty Versus National Sovereignty and the Issue of Political Allegiance

Those who evoke the claims of national sovereignty seldom, if ever, doubt that it is the nation state to which one belongs, that has the ultimate claim on the allegiance of a human being. Constitutional law, ancient as well as modern often buttresses such claims. To oppose one's own country, particularly in time of war, (and sometimes even in other crises) is treason.

The stigma of disloyalty is often evoked across the world against those who oppose or call in question, courses of action which stand against the nation-state's identity. Rival conceptions of sovereignty intimately tied to rival conceptions of morality are at the basis of these differing attitudes.

The only purpose for which power can be rightfully exercised over any member of a civilised community against his will, is to prevent harm to others... over himself, over his own body and mind, the individual is sovereign.

The words are those of John Stuart Mill, rightly acknowledged by many, as the founder of modern liberalism. Mill argued in his celebrated essay, *On Liberty* that thus assertion was the, *one very simple principle....entitled to govern absolutely the dealings of society with the individual....*

What is contained therein is a powerful, to my mind irrefutable, challenge, to the primacy of national sovereignty.

Those who assert the claims of national sovereignty, particularly in our part of the world where such assertions are so often part of the knee-jerk response to colonialism, forget that their fond conceptions have their origins in a nationalism that

is as much western as the liberal democracy they despise. Against Mill's 'very simple principle' (written prior to it) is juxtaposed the following assertion of Hegel:

*The State is the Divine Idea as it exists on earth... We must therefore worship the State as the manifestation of the Divine on earth.... The State is the march of God through the world.*

Of intimate relevance to such thought is the work and life of the Italian nationalist Guiseppe Mazzini who called upon Italians to "think with your blood". The negative inspirational effect of such thought can be understood clearly when it is revealed that Mahatma Gandhi, whose nationalism was non-violent and far less emotive and romantic nevertheless, wrote an eulogistic account of Mazzini.

The assumptions of Hegel, the outlook of Mazzini, and Mill's fundamental principle provide an acute and enlightening study in contrasts with which to approach the issue of ultimate allegiance.

If over himself/herself his/her mind and body, the individual is sovereign it follows clearly "as the night, the day" that ultimate loyalty is to be commanded not by the state but by each individual's conscience, dictated by each individual's conception of the final or ultimate good. While many states, including liberal democracies, often act as though they do expect ultimate allegiance to the state, the conduct of many liberal democracies in relation to issues fundamental to the individual has demonstrated that they do, even with limitations recognize where an individual's ultimate allegiance lies. This may be demonstrated in relation to the very attitude of liberal democracies, to dissidents in time of war. In Britain, during the First World War the Liberal Home Secretary of the time Sir John Simon (later Viscount Simon) resigned from the cabinet in opposition to the imposition of conscription.

The government bill made all men from eighteen to forty liable to military service.... there was provision for conscientious objection to the bearing of arms. In 1916 the provision was unusual and was real evidence of Asquith's liberal scruples about conscription. The provisions for exemption were in themselves generous. Conscience was not identified with religion.....(Alan Ryan, Bertrand Russell: A Political Life pp 59-60')

The Labour politician Keir Hardy, the Liberal philosopher Bertrand Russell and many others campaigned against the war. The same attitude was displayed in Britain during the Second World War, in the United States of America during the Vietnam War and the Gulf War and is evident among some Sri Lankans in connection with the armed conflict in this country. Criticism of the Government including on its conduct of armed conflict and the right to refuse support for some of its decisions does recognize, albeit in limited fashion, the primacy of individual sovereignty.

The liberal democratic state is the only form of state, that has a basis of moral legitimacy, to the claim against citizens, of allegiance. Such legitimacy rests on consent. The liberal

democratic state by devoting itself to the maximisation of individual liberty, by permitting the individuals who live under its aegis as much space as is compatible with such space being available to all, is able to secure the loyalty of its citizens. By earning loyalty it can ensure allegiance, by basing itself on consent, it can claim to speak on behalf of its people. Paradoxically, it is therefore the liberal democratic state, basing itself on the primacy of political morality that has only claim to the exercise of national sovereignty.

The most vocal advocates of national sovereignty however, do not, and indeed cannot, base their claims on the basis of liberal political morality. Their claims are founded instead on nationalism. Nationalism does not concern itself with the right of the individual, nor does it come to terms with nor recognize the need to protect and ensure the possible pursuit of rival conceptions of the good. Gordon Graham asserts:

First, the nationalist believes that there are nations and that these may be identified independently of existing boundaries. Secondly, his general prescription is that national and state boundaries should coincide. His concern is thus, paradoxically perhaps, with international politics and, as nationalist politicians know only too well, nationalism says nothing about the internal organisation of the state. (*Politics in Its Place* p 122 )

It answers the challenge of political morality with ringing tones of Hegelian absurdity:

The State is the actuality of concrete freedom. In civilized nations true bravery consists in the readiness to give oneself wholly to the service of the State so that the individual counts but as one among many. No personal valour is significant; the important aspect lies in self-subordination.....

The demand for allegiance here, is to the state, regardless of its particular conception. It could be to a liberal democratic state based on the consent of the governed. It could be, as was common in Hegel's own time, to a despotic monarchy, it could be, as was common until recently in our time, to a Communist totalitarian state, it could be, as still exists, to a quixotic personal dictatorship like that of Saddam Hussein. The history of the 19th and 20th centuries demonstrates that it is vacuity in the extreme to argue that the state (regardless of its nature) is the actuality of concrete freedom. That the claim to political allegiance by a state which does not conform to the standards of a just political order can have disastrous consequences is made clear by Prof. R. S. Peters:

The Nazis committed crimes against humanity in the name of the State; they ruthlessly broke their treaties with other nations and were equally ruthless in dealing with their own non-conformists at home. Hegel's doctrine of 'freedom' and his claim that there can be no morality between states [because one's own state has an ultimate moral claim on one] gave them some semblance of a philosophical backing. ('Hegel and the Nation State' in *Political Ideas* edited by David Thomson p 135 )

It seems to me that a state that does not permit the pursuit of rival conceptions of the good, does not contain within it representative institutions and does not encourage the conditions without which an open society cannot exist, has no claim on the political allegiance of its citizens. The national sovereignty such a state would claim to exercise would be wholly specious. It deserves no acknowledgement.

## The Conflict Between Universal Morality and the Traditional Assumptions of the International System

Today, in the post Cold War world, the United Nations and other international institutions such as the European Community, the Conference for Security and Cooperation in Europe, CSCE as well as regional groupings such as the OAS, the SAARC or ASEAN are assuming greater importance. Nevertheless, the tension between international organisations and nation-states, provides strong new evidence of the contradiction between the claims of political morality and those of national sovereignty. Organisations such as the Non-Aligned Movement have made plain that for them the demands of a just political order count for little against the old shibboleth 'non intervention in the internal affairs of states', even if the principle has been observed in the breach by several members of that movement. By adopting the European Convention on Human Rights and making this applicable to all member states and by several other measures including the (currently controversial) Treaty of Maastricht, the European Community has indicated a primary commitment to universal principles. By adopting the Universal Declaration on Human Rights as well as the subsequent protocols on Civil and Political rights, Economic, Social and Cultural rights, and while accepting the principle of non-intervention as an essential principle of its conduct, the United Nations has attempted to square the circle! The primacy of political morality over the claims of national sovereignty has clearly been articulated in the Liberal Appeal of Rome of 1981, of the Liberal International:

Civil and political human rights constitute an inalienable endowment of every man and woman in the world. Their defence and promotion are incumbent on the states where even with limitations these rights are already applied. This may lead states into conflict with their short term interests. Notwithstanding this, governments must follow the kind of action most conducive to the widest possible acceptance of civil and political human rights, while liberals have the duty of outright denunciation of abuses..... We cannot accept that human rights, political dignity, both personal and national, should be estimated by the size of the gross national product.....

This is an assertion, in the clearest terms, of the universality of political morality. A recognition of the need for a universal political morality is the natural corollary of the conviction that the nation-state cannot command the allegiance of just

human beings when it is not organized so as to maximise individual liberty. The consequence of such a belief, as the caricature of nationalists often has it, is not a concerted assault on the national independence of states by those more powerful. It permits of a good deal of subtlety and provides several instruments of intervention. The least objectionable and often sufficiently efficacious is the creation of international public opinion. The processes whereby international public opinion is created often leave much to be desired. The brutality of a Castro or a Saddam Hussein is emphasised because they have chosen to provoke the United States of America. The brutality of a Mobutu Sese Sekou has been given less publicity because there are no great powers who have an interest in his overthrow. Nevertheless brutal and repressive regimes do eventually earn international opprobrium. The use of aid and investment is another possible instrument. The use of economic sanctions is a more harsh measure to be used with some restraint. Then, and usually only then does one arrive at the use of military force. The efficacy of the use of force in the removal of a particularly repressive regime and its successful replacement by a more tolerant regime, is, I believe, a relevant consideration.

I do not, however, propose to address myself here to the methods of intervention which would limit the untrammelled exercise of national sovereignty Nor do I propose to discuss individual cases in which I support international intervention.

What I seek to demonstrate here is that intervention in the interests of the people of a particular nation-state by those not of that state, whether private citizens, non-governmental organizations, international organizations or governments of other nation-states is justified. What I seek to demonstrate too, is that the traditional assumptions which govern the conduct of international relations, which are predicated on absolute acceptance of the legitimacy of states and the conduct of their 'internal affairs' are fast being eroded and have a tenuous moral basis.

To put it simply the traditional theory rests on the assumption that what happens in a particular country is that country's business. To this is allied the common assertion that other states have no right to 'interfere' because 'who are they to tell us what we should do?'. Such assertions are based on glaring logical and conceptual, not to mention moral, errors. The assumption that those outside have no right to 'interfere' is predicated on the notion that the affairs being interfered with are indeed ours. The assertion, 'they should not tell us what we should do', makes sense only if it is meaningful to suppose that it is we who are making decisions about our own lives. In a political order that is not liberal democratic it is fallacy to use language predicated on popular consent. We do not, in a dictatorship do what we like. The dictator, or dictatorial regime makes us do what it likes. For 'we' in this context, means individuals who make up a particular society. To speak of interference in our affairs, our affairs must be our own. In a repressive political order this is not so.

## Conclusion

The line of thinking of those who assert the primacy of national sovereignty rather than that of political morality is therefore reducible to the ridiculous assertion:

I'd rather be tortured, maimed or killed, I'd rather my family, my friends, my village, my city were destroyed by a ruler who belongs to people rather than have myself and them, saved by a foreigner.

Very recently the world lost a great personality, a great social democrat, the former Chancellor of West Germany and President of the Socialist International, Willy Brandt. When the Nazi tyranny oppressed his country Brandt went into exile in Norway, and fought with the allied Norwegian forces that eventually liberated his country. To those who assert the primacy of political morality, Willy Brandt is, as the world acknowledges him, a great liberal democrat. To those who assert the primacy of national sovereignty he would be a traitor.

The conclusion from this is inescapable. The principle of national sovereignty owes its existence to a notion of nationalism which is incompatible with the maximisation of individual liberty. It is therefore incompatible with the maintenance and promotion of a free society. A relic of a primitive simplistic and intolerant past, it serves no positive end in the modern world.

## Sources

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