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Internal Conflict, the International Community and the Promotion of Principled Compromise

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Abstract

The international community has many reasons to promote compromise between the parties to internal conflicts. Yet to do so effectively, the international community ought to treat principled rather than strategic compromise as its default position. To make this case, we begin by defining 'compromise' and by distinguishing principled from strategic compromise. We then defend the idea of principled compromise against the realist who thinks that that idea is implausible. We conclude by offering a number of practical reasons why principled compromise ought to be preferred. Our argument does not deny that strategic compromise will sometimes be the only option. But, unlike principled compromise, strategic compromise does not provide the parties with any particular reason to look beyond their own particular concerns or to give any ground beyond what is absolutely necessary.

The international community has many reasons to be concerned about the growing number of internal conflicts worldwide.¹ Especially where ethnicity or religion is involved, those conflicts can be extremely violent and involve tremendous suffering. But even where internal conflicts are relatively peaceful, they still threaten to destabilise the international system. Some internal conflicts involve demands for territorial autonomy or secession which, for better or worse, call the prevailing international order directly into question. Others risk turning into regional conflicts, as neighbouring states seek to protect their ethnic kith-and-kin across the border or strive to ensure that rival states do not gain influence or access to resources that they might secure for themselves. In recent years, internal conflict has also become closely linked to such things as the international

¹ According to the Heidelberg Institute on International Conflict Research, there were 363 conflicts worldwide in 2010. Of those, 269 were internal conflicts, 32 of which involved high, sustained levels of violence. For a detailed analysis of global trends since 1945, see http://www.hiik.de/en/konfliktbarometer/pdf/ConflictBarometer_2010.pdf. Accessed 2 August 2011.

drugs trade, piracy and, perhaps most dramatically of all, the rise of international terrorism.

Internal conflicts are extremely difficult to manage, let alone resolve. The basic reason is obvious enough: conflict breeds mutual suspicion and mistrust, which makes it very hard to compromise. But even when the parties to a conflict have accepted the need for compromise, they will often find it very difficult to view the concessions they have to make from anything other than their own perspective. Of course, someone might say that there is nothing wrong with seeking the best deal possible for oneself or conceding only what is absolutely necessary. Yet if mutual suspicion and mistrust are eventually to be overcome, the parties must develop a more mature sense of responsibility for their actions, including a greater willingness to reflect on and take into account the consequences of those actions for other parties.

In this article, we argue that, wherever possible, the international community should seek to promote compromises that start from common ground, and in particular from shared political principles. Typically, the parties to a compromise have something to gain from it, and it is the prospect of that gain that induces them to compromise. But, in compromising, each side still pays a price for the gain that it would prefer not to pay. More often than not, that price will turn out to be far higher than each thought it would be on entering into the process.² Yet in so far as the parties can collectively say that the concessions they have made were governed by shared political principles, they may also be able to convince enough people from *all* sides that those concessions are worth making—not just as a matter of strategic necessity but because they are fair or just.

A compromise is strategic if, in the eyes of each of the compromising parties, its merit consists only in its promoting that party's interests or ends. A compromise is principled if the parties conceive it as possessing a desirable moral quality as a compromise, as well

² Bernard Crick, (1990) 'The High Price of Peace', *History Today*, 40: 10 (1990), pp. 7-9, at pp. 7-8.

as promoting their own purposes.³ They might, for example, conceive the compromise as just or fair or reasonable or, no less importantly, as not unjust or not unfair or not unreasonable. They might do so with respect either to the substance of the compromise or to the process through which it has been agreed.

We begin by defining compromise generally and by developing the distinction between strategic and principled compromises. We then take up the challenge of showing not just that principled compromise is a plausible goal for the parties to an internal conflict to pursue, but also why it is desirable for them to do so. In particular and other things being equal, a compromise that is principled is likely to be more stable or enduring than one that is merely strategic. Our argument does not deny that strategic compromise will sometimes be the only option. But strategic compromise does not provide the parties with any reason to look beyond their own concerns or to give any ground beyond what is absolutely necessary. Principled compromise may be more difficult to achieve or may be the more risky strategy. But the benefits of principled compromise can make that risk worth taking.

What is a compromise?

The need for compromise arises only when there is conflict. If there is no conflict, there is no occasion for compromise. The conflict can be grounded in different preferences, interests, principles, beliefs or judgements which can be bound up with different identities or different national, ethnic or religious commitments. This is not to say that every conflict can or should be resolved through compromising—most writers on compromise agree that there are moral limits to compromise.⁴ Although specifying the exact nature of those limits is not our concern in this article, the international community

³ According to Brian Barry, something is in my interest if it helps me to get what I want. Yet while I might want a compromise that was fair or just, I could also want a compromise that was simply good for me. See Brian Barry, *Political Argument*, Berkeley, University of California Press, 1990 [1965].

⁴ E.g., Avishai Margalit, *On Compromise and Rotten Compromises*, Princeton, Princeton University Press, 2009, p. 67 and *passim*.

might reasonably refuse to recognise or broker a compromise that violated human rights standards or transgressed international law.

For there to be a compromise, the parties must think that there is more to be gained from compromising than not compromising. Yet although the parties compromise to achieve a goal, the goal they pursue may or may not be the same. If, for example, two parties have been engaged in ethnic warfare, the goal they seek through compromise may be the same: lasting peace and the fruits of peace. Alternatively, the parties may seek different goals. One party may enter the compromise in pursuit of a lasting peace, while the other may do so only as a temporary expedient that will enable it to remarshal its troops, build up its weaponry, and return to war with a better chance of victory. Yet whatever the case, the point remains that unless the parties have something significant to gain from a compromise, they will have no reason for wanting to compromise.

For there to be a compromise, then, there must be a conflict and the parties to that conflict must have good reason to compromise.⁵ But what exactly is a compromise?

(a) *Two or more parties*

A compromise has to be made between two or more parties. The parties can be individual persons, groups, associations or institutions. That simple condition is not entirely uncontroversial. We sometimes speak as if compromise were intrapersonal, as, for example, when we say a political leader has ‘compromised’ his principles.⁶ ‘Compromise’ might also be used to describe trade-offs of values, even though the

⁵ One could contemplate a situation where the international community thinks that the parties should want to compromise, even though they do not wish to do so (possibly the Taliban in Afghanistan); but, for the purposes of this article, we are only concerned with situations in which there is already some motivation to compromise, and the issue is what form the compromise takes.

⁶ Martin Benjamin, *Splitting the Difference: Compromise and Integrity in Ethics and Politics*, Lawrence, University of Kansas Press, 1990.

relevant conflict is amongst values rather than valuers.⁷ We treat these intrapersonal or impersonal notions of compromise as figurative and parasitic upon the standard notion of compromise as an inter-personal or inter-party matter.⁸

(b) *Engaged in by the parties themselves*

A compromise is something reached by those who are party to it. A compromise is not a solution imposed by a third party.⁹ When a third party divides the spoils between two conflicting parties and imposes that division upon them, people sometimes describe that as an ‘imposed compromise’. But that usage departs from the ordinary idea of compromise—we would not normally describe something as a compromise unless it emerged from a compromise process in which the parties themselves were involved.¹⁰ This involvement may take the form of protracted discussion or negotiation or it may be little short of instantaneous. Either way, a compromise is not merely a special sort of outcome, but also a special sort of process—one in which the compromisers or their representatives must participate for it to be recognisable as a compromise.¹¹

(c) *All parties make concessions*

⁷ Richard Bellamy, *Liberalism and Pluralism: Towards a Politics of Compromise*, London, Routledge, 1999.

⁸ But see Chiara Lepora, ‘On Compromise and Being Compromised’, *Journal of Political Philosophy*, 20:1 (2012), pp. 1-22.

⁹ Theodore Benditt, ‘Compromising Interests and Principles’, in J. Roland Pennock and John W. Chapman (eds), *NOMOS XXI: Compromise in Ethics, Law, and Politics*, New York, New York University Press, 1979, pp. 26-37, at p. 30.

¹⁰ Arthur Kuflik, ‘Morality and Compromise’, in Pennock and Chapman (eds), pp. 38-65, at pp. 39-40.

¹¹ This point is easily overlooked. E.g., Sumantra Bose describes the Dayton Peace Accords as a ‘strategic compromise’. Sumantra Bose, *Bosnia After Dayton: Nationalist Partition and International Intervention*, London, Hurst, 2002, p. 53. Yet this is not accurate since its provisions were largely dictated by Richard Holbrooke and his team. What is more, Bosnian Serbs and Bosnian Croats had no direct representation of their own; nor was the agreement ever put to a referendum.

A compromise is a compromise only if all the parties to it give ground. Capitulation can be unilateral but compromise cannot. The concessions made by the parties do not have to be equal and that raises the awkward question of just how asymmetrical a compromise can be and remain a compromise.¹² The parties might agree that mutual concessions need to be made. But if one party is all but compelled to accept the outcome, would we class that outcome as a compromise? Would it make a difference if later the party puts aside its reservations and fully endorses the outcome? But, setting aside cases of this sort, it is essential to the idea of a compromise that all parties to it make concessions.

(d) *A compromise is agreed to*

A compromise is something that the parties ‘make’ or ‘agree to’ or ‘enter into’. To be a party to a compromise is to have entered into, and to have assumed, a commitment. In that respect, compromises are like promises. Indeed, J. Patrick Dobel describes them as ‘co-promises’.¹³ Thus, the reason for adhering to a compromise, like the reason for keeping a promise, is not reducible to the reasons for making it. That is important since people are sometimes inclined to think of a compromise as a mere balance of advantage, which each party has reason to adhere to only so long as they continue to find it advantageous.¹⁴ But, even in the case of purely strategic compromise, the reasons why a party should adhere to the compromise are not wholly reducible to a calculus of the costs and benefits delivered by the compromise, which is not to deny that, in reality, nothing but that calculus may determine whether the party actually adheres to the compromise.¹⁵

(e) *Compromise occasions regret*

¹² For discussions, see Benditt, ‘Compromising Interests and Principles’, pp. 28-30; Margalit, *On Compromise*, pp. 53-54.

¹³ J. Patrick Dobel, *Compromise and Political Action: Political Morality in Liberal and Democratic Life*, Savage, Rowman and Littlefield, 1990, pp. 3, 35.

¹⁴ John Rawls, *Political Liberalism*, New York, Columbia University Press, 1996, pp. 146-147.

¹⁵ On this point, see further Peter Jones and Ian O’Flynn, ‘Can a Compromise be Fair?’, *Politics, Philosophy and Economics*, (forthcoming).

To say that a compromise is something that is agreed to is *not* to say that compromise occasions no regret. On the contrary, as Richard Bellamy argues, compromisers ‘must endorse a package many of the components of which they would reject if taken in isolation. Though they consider the agreement as the most acceptable to all concerned, each retains his or her own view of what is best’.¹⁶ The fact that compromise involves mutual concessions means that each party must settle for less than what it considers to be ideal—where ‘less’ may mean a smaller portion of what it wants, fewer elements of its preferred outcome, less desirable means of implementation, adoption on a smaller scale, or combination with other irrelevant or less desirable elements.¹⁷

(f) *Compromising and bargaining*

Some writers distinguish compromises from bargains.¹⁸ But treating compromises and bargains as mutually exclusive departs radically from ordinary usage. For instance, if the leaders of different ethnic, national or religious factions engage in bargaining over the distribution of ministerial portfolios in a power-sharing coalition, it would be quite normal to describe the result of their negotiations as a compromise even though it is entirely a product of bargaining. The very idea of ‘negotiating’ a compromise implies an element of bargaining. However, while a compromise can be the outcome of bargaining and therefore be a ‘bargain’, not all compromises warrant that description. In particular, if the parties to a conflict seek a fair accommodation of their different wishes and if they deliberate, rather than negotiate, their way to a result, that result will be a compromise but not a bargain.

Principled and strategic compromises

¹⁶ Bellamy, *Liberalism and Pluralism*, p. 102.

¹⁷ Dennis F. Thompson, ‘Mill in Parliament: When should a Philosopher Compromise?’, in Nadia Urbinati and Alex Zakaras (eds), *J.S. Mill’s Political Thought: A Bicentennial Reassessment*, Cambridge, Cambridge University Press, 2007, pp. 166-199, at p. 168.

¹⁸ Benditt, ‘Compromising Interests and Principles’; John E. Coons, ‘Compromise as Precise Justice’, in Pennock and Chapman (eds), pp. 190-204; Andrew Lister, ‘Public Reason and Moral Compromise’, *Canadian Journal of Philosophy*, 37: 1 (2007), pp. 1-34.

As we shall use it, the distinction between principled and strategic compromise relates to the make-up of a compromise. A compromise is ‘strategic’ to the extent that the parties concede only what they need concede to secure the compromise. Their approach is purely instrumental: ‘what is the minimum we need to concede to secure the most advantageous compromise we can obtain?’ As we indicated earlier, the goals sought by the parties to a compromise can be the same or different. But the point remains that, insofar as a compromise is strategic, its content will reflect what each party believed it had to concede to secure the pay-off it sought.

In the case of ‘principled’ compromise, by contrast, the parties are guided by norms they think should govern their compromise. Those norms can be of two types. They may be substantive; that is, they may relate to the content of the compromise.¹⁹ For example, the parties might accept that whatever compromise they agree to should accord an equal status to all who are to be governed by it. Alternatively, they may be procedural; they may govern the process through which the compromise is negotiated and agreed to. For example, the parties might accept certain principles of procedural fairness such as each party’s having an equal status in the compromising process.²⁰ Accordingly, it is possible for the international community to admonish the parties to recognise principles that should govern the compromising procedure, without being prescriptive in a heavy handed way about the content of the compromise.

A compromise may be partially rather than wholly principled: it may be principled in some of its aspects and strategic in others.²¹ But, even when a compromise is only partially principled, its containing some element of principle may make a difference to how the parties and others regard it and to its stability and durability, as we argue below.

¹⁹ Cf. Benjamin, *Splitting the Difference*, pp. 4-8.

²⁰ On the relationship between fairness and compromise, see Jones and O’Flynn, ‘Can a Compromise be Fair?’.

²¹ Alain Noël, ‘Democratic Deliberation in a Multinational Federation’, *Critical Review of International Social and Political Philosophy*, 9: 3 (2006), pp. 419-444, at p. 433.

In general, a compromise will be principled only to the extent that the parties strive that it should be so. It is logically possible that a compromise will comply with a principle with which, the international community believes, it should comply, even though none of the parties to the compromise was guided by it. For example, two parties who have roughly equal bargaining strengths and equal interests in a conflict may arrive at a compromise that divides the spoils equally between them. That equal division may be precisely what, the international community believes, fairness demands. Yet, in negotiating the compromise, each party may have ignored considerations of fairness and aimed only to maximise its own advantage. However, this sort of fortuitous moral outcome is likely to be very much the exception. If the parties approach a compromise as an exercise in pure bargaining, their compromise can be relied upon to manifest nothing more than their relative bargaining strengths. A principled compromise is likely to emerge only from a compromising process that has been guided by principle. Hence, if we believe that a conflict ought to be resolved through principled compromise, we should seek to persuade the compromising parties to think likewise.

There are other ways in which the labels ‘principled’ and ‘pragmatic’ might be applied to compromise that differ from our usage here. They might be used to describe the *goals* people seek through compromise. If a party seeks only its own advantage, we might describe its approach to compromise as merely strategic. If it seeks a more selfless, moral goal—if, for example, it aims to reduce human suffering—we might describe its approach as principled. However, a compromise that is motivated by a moral goal will still be, in our terms, ‘strategic’ insofar as the concessions the parties make are motivated by instrumental considerations; that is, insofar as each party concedes only what it (believes it) has to concede to the secure the moral goal.

Alternatively, we might describe any goal-based compromise as ‘strategic’ and reserve the term ‘principled’ for cases in which people believe they should compromise as a

matter of principle.²² In this usage, someone might seek a principled compromise because he believes, for example, that his disagreement with others is a ‘reasonable disagreement’ and that fairness requires that he concede something to the reasonable views of others even though he believes them to be mistaken. Here there is a degree of overlap with our usage in that, if someone believes he should compromise as a matter of principle, he will (or should) be guided by that principle in the sort of compromise he seeks. However, in our usage, someone who enters into compromise for purely goal-based reasons might still seek a principled compromise—a compromise whose negotiation or content is governed by considerations of principle.

Finally, ‘principled’ and ‘strategic’ might be used to describe the conflict that is subject to compromise. A compromise might be described as ‘principled’ if it addresses a conflict of principle, and as ‘strategic’ if it addresses a conflict of interest or preference. In our terms, there may be scope for ‘principled’ compromise of a principled conflict.²³ But a conflict over principles might be equally susceptible to purely strategic compromise. Similarly, while a conflict of interest or preference might be resolved through strategic compromise, it might also be eligible for principled compromise. Indeed, the idea of ‘fair compromise’ applies much more readily to conflicts of interest or preference than to conflicts of principle.²⁴

To sum up, then, a compromise is ‘strategic’ insofar as the parties think in a purely goal-based, self-interested way about the concessions they should make, whereas a compromise is ‘principled’ insofar as the process or the outcome is shaped by, for example, considerations of fairness. Before considering which of these sorts of compromise we should prefer and why, we need to address a number of possible objections.

²² Simon May, ‘Principled Compromise and the Abortion Controversy’, *Philosophy and Public Affairs*, 33: 4 (2005), pp. 317-348. Although May draws the distinction in this way, he doubts whether ‘principled compromise’ is a plausible notion.

²³ George Sher, ‘Subsidised Abortion: Moral Rights and Compromise’, *Philosophy and Public Affairs*, 1: 4 (1984), pp. 361-372, at p. 369. But see Lister, ‘Public Reason and Moral Compromise’, p. 18.

²⁴ Benditt, ‘Compromising Interests and Principles’, p. 31.

Is principled compromise plausible?

As we indicated in our introductory remarks, the burden of this article is to argue that the international community should seek to promote principled compromises in cases of internal conflict. This is not to suggest that strategic compromise should never be pursued; strategic compromise may sometimes be the only option. Nevertheless, as we will shortly argue, there are good reasons why the international community should treat principled compromise as its default position. First, though, there are number of theoretical and practical objections to contend with.

A ‘realist’ might object that ‘principled compromise’ is all well and good in theory but, in the real world, compromise is about power and interests. Suppose the parties to an internal conflict disagree about how oil revenues are to be distributed (e.g., Iraq) or about the rate of fiscal transfers from one segment of the country to another (e.g., Belgium). Since each adheres to a different distributive principle, and since those principles may be uncombinable, the principle on which they finally agree may itself have to be the product of compromise. So, rather than the principle shaping the compromise, it may be the compromise that shapes the principle.²⁵ In other words, the compromise may be more fundamental than the principle.

On the face of it, this objection might be thought to undermine the claim that the international community should promote principled compromises: principles cannot help to sustain a compromise if they are themselves based on compromise. There are, however, several things that can be said in response. While a conflict between two parties might be rooted in uncombinable principles, there might, as we indicated earlier, be a principle that both parties accept independently of that conflict. Two parties might have conflicting views about the role of religion in public life (e.g., Lebanon). But at the same time they might both accept that they are of equal status and that, in principle, there is no reason why the wish of one should count for more than the wish of the other. So,

²⁵ Bellamy, *Liberalism and Pluralism*, pp. 93-114.

although there is a conflict which will require compromise, there is also a principle that might shape that compromise. In that case, strategic compromise will not be the only option.

Still, the realist may remain unconvinced. The parties to a conflict can ‘accept’ a principle in two different ways. For example, they might simply accept that everyone has certain basic rights, so that they have an obligation to respect those rights independently of their own consent. In that case, the principle does not govern the compromise *only if and because* the parties agree to it. Alternatively, they might think that their obligation in respect of the principle derives not from the principle itself but from their consent to it. They might think that while rights are vitally important, they need to be worked up pragmatically through the democratic process.²⁶ In that case, they will think that the principle applies to them *only if and because* they agree to it.

The realist will think that the second is the more likely of the two: if the parties accept that everyone has certain basic rights and that those rights should govern or constrain decisions about how resources should be distributed, why, or so the realist might rhetorical say, did the conflict break out in the first place? As William Zartman’s analysis of the Namibian conflict suggests, sometimes the parties need reminding by the international community that they already share basic principles; reminding the parties that this was so was decisive in allowing the negotiations to move forward.²⁷ Yet even if it is the case that the parties think that a principle applies to them *only if and because* they have consented to it, their acceptance of the principle is still unlikely to be a matter of mere (i.e., strategic) consent. When a party agrees *to* a principle’s governing a compromise process, that is tantamount to its agreeing *that* the principle should govern the process. In other words, it is tantamount to the party’s accepting a principle as the right principle for the task. So, even if we agree with the realist that the parties’ accepting a principle will itself be part of the compromise process, that does not render

²⁶ Ibid., pp. 95, 103.

²⁷ I. William Zartman, *Negotiation and Conflict Management: Essays on Theory and Practice*, London, Routledge, 2008, pp. 82-99.

the principle redundant as a ‘principle’. On the contrary, their accepting the principle as a principle that should govern the compromising process is still enough to make the compromise principled rather than merely strategic. The relevant consideration here is that they have reason to accept that there is something ‘right’ or ‘fair’ or ‘reasonable’ about the compromise, because of the principle that now governs it; it is more than a mere bargain inspired only by the self-interest of the parties.²⁸

At this point, someone else might object that, in asking the parties to take a principled approach, the international community is really asking them to recognise the error of their ways. A principle of fairness may give each of the parties reason to make concessions to the other side. It may also give each of them reason to see that its starting position was not as fair as it should have been and that it needs to be revised. But if principled compromise is the same as moral correction, the concessions that the parties make are not really concessions at all—the parties are really changing, by revising, the starting positions from which they seek to compromise. At the limit, the parties could revise their positions to a point at which they cease to be in conflict, so that nothing is left over which they can compromise. In this vein, Simon May argues that the ‘good thing about the final positions has nothing to do with the fact that they emerged as moral compromises, and everything to do with the independent fact that they are simply the best positions [after moral correction]’.²⁹

The objection here is not merely theoretical, but has important practical implications. If principled compromise is identified with moral correction, there may be little point in seeking to manage or resolve internal conflicts on such terms. For example, the international community might think that Israel is wrong not to withdraw from the

²⁸ In discussing the equivalence principle that governed the details of the agreement on Namibian independence, Zartman writes that the ‘formula was not merely based on “getting something” in exchange for independence but rather a matched and balanced-trade off that provided a guide for further details’. *Ibid.*, p. 90. The language of ‘a matched and balanced-trade off’ is unhelpful here, since the point Zartman seeks to make is that the equivalence principle ensured that the compromise it guided was not reducible to a mere strategic compromise.

²⁹ May, ‘Principled Compromise and the Abortion Controversy’, p. 319.

occupied Palestinian territories. Yet no Israeli leader enters into a negotiation process seeking moral correction on this basic point. Indeed, it is probably no exaggeration to say that no leader anywhere goes into a negotiation process thinking that the cause for which so much was sacrificed could have been morally ill-conceived. Even if they did think this, it is doubtful whether they could ever say so publicly.³⁰

Principled compromise is not, however, the same as moral correction.³¹ While there may be an element of moral correction during a negotiation process, principled compromise is an activity distinct from moral correction. Following Arthur Kuflik, we can distinguish between ‘(1) what one judges ought to be done about a matter that happens to be in dispute, leaving aside any consideration of the fact that there *is* a dispute; (2) what one judges ought to be done, *all things considered*’.³² Each of the parties to an internal conflict will have its own view about how that conflict ought to be resolved (e.g., British unionists think that Northern Ireland should remain part of the United Kingdom, whereas Irish nationalists think that Northern Ireland should be united with Ireland). But the parties might still accept that, for now at least, conditions on the ground are such that it is only right or fair to compromise (and so that acceptance helps both British unionists and Irish nationalists to build a principled compromise that gives both sides some of what they want but neither side all of what it wants).

In such cases, the principle that informs and governs the compromise provides each of the parties with a second-order reason for compromise that pushes their first-order

³⁰ One reason why has to do with ‘the cause’ becoming central to the group’s identity, and in particular its principal myths and narratives. See, e.g., Vamik Volkan, *Blood Lines: From Ethnic Pride to Ethnic Terrorism*, Boulder, Westview Press, 1997. Cf. Markus Kornprobst, ‘Argumentation and Compromise: Ireland’s Selection of the Territorial Status Quo Norm’, *International Organization*, 61: 1 (2007), pp. 69-98.

³¹ On a related note, someone might say that principled compromise is the same as moral compromise, or a compromise governed by norms of a Kantian sort. Since the parties to a compromise make concessions, and since making concessions means that a kind of apportionment or distribution is taking place, it is natural to ask: is it fair? To ask that is to ask a deontological question. But it is not necessarily to ask a Kantian question—by ‘fair’ we might simply mean ‘not unreasonable’.

³² Kuflik, ‘Morality and Compromise’, p. 51.

commitments to one side.³³ But those first-order commitments do not disappear and the compromise will fall short of what they really want. As we said earlier, since the parties must settle now for less than the ideal, moral compromise occasions regret in a way that moral correction does not.

Why promote principled compromise?

A compromise can look very different, or perform very differently, depending on whether the parties are guided by considerations of principle or by their assessment of what is strategically necessary to achieve their goals. Sometimes, adopting a principled approach will inhibit compromise because the conflict is one of principle and the parties need to be induced to think more pragmatically. Yet at other times, it might be possible to get the parties to think about different sorts of principle—principles about conflict resolution, including the resolution of conflicts of principle—rather than only thinking about the principles on which they disagree. Careful judgement is required to decide which response is the right or most appropriate response. Making the right choice at the right time can be crucial to ensuring that a compromise will embed. Yet there are still good reasons why the international community should encourage the parties to a conflict to treat principled compromise as their first port of call.

The comparative study of internal conflicts is largely concerned with the question of political stability. The distinction between strategic and principled compromise bears directly on this question. In a strategic compromise, each party will ask itself what it needs to do to achieve a stipulated goal. Yet there is no particular reason why its assessment of the concessions that it will need to make should be driven by anything other than its own concerns. The party will need to factor information about the other side into its calculations in order to decide how much or little it will have to concede, but

³³ Benjamin, *Splitting the Difference*, p. 34. Cf. Lister, 'Public Reason and Moral Compromise', pp. 19-21.

there is no attempt here to proceed from common ground.³⁴ As a result, the party has no opportunity of saying both to its own supporters and to the other side that the compromise is good for everyone. The international community might try to ensure that the compromise that results is mutually advantageous, but, as we have already said, the prevailing balance of power will inevitably influence the concessions that are made. Since the balance of power is often subject to change, compromises built in this way may be unstable.

By contrast, the fact that a principled compromise proceeds from common ground means that it may have a better chance of standing the test of time. Of course, someone might say that the principles that underpin a principled compromise need not be the same for all the parties to the compromise, which could foster instability over time—the different parties may think in terms of ‘our’ principles versus ‘theirs’. But this seems very unlikely since it is hard to see how quite different principles would converge on the same outcome. A compromise may be guided by more than one principle.³⁵ For example, in the Northern Ireland case, the principle of consent was of signal importance to the majority unionist community, just as the principle of parity of esteem was of signal importance to the minority nationalist community. Yet when it came to the drafting of the 1998 Agreement, the two principles were not only encased within a broader framework of common principles, but realisation of the one principle was made to depend on realisation of the other.³⁶

³⁴ It might be objected that, in restricting common ground to basic principles, we have overlooked other sources of commonality—for example, commonalities between different visions of the good life or different virtues. Those commonalities could help, but only if they provided guidelines for dealing with conflicts, in which case they are likely to be deontological in character.

for example, commonalities between different visions of the good life. . Such commonalities could help—but only if they provide guidelines for dealing with conflicts, in which case they are likely to be deontological in character.

³⁵ Amy Gutmann and Dennis Thompson, ‘The Mindsets of Political Compromise’, *Perspectives in Politics*, 8: 4 (2010), pp. 1125-1143, at p. 1132.

³⁶ See, e.g., the ‘Declaration of Support’ with which the Agreement begins and paragraph (v) of ‘Constitutional Issues’. *The Agreement: Agreement Reached in the Multi-party Negotiations*. Available at: <http://www.nio.gov.uk/agreement.pdf>.

There is also an issue here of how deep a principled compromise need go. On the face of it, someone might say that principles bring too many other things into play, including underlying values and worldviews, which are not amenable to compromise. But principles need not go ‘all the way down’. For example, different religious groups might share the same principle of fairness, even though each conceives of that principle as grounded in its own religious faith.³⁷ Admittedly, in reality the line between public principles and private commitments can be hard to draw or to maintain.³⁸ Yet that need not undermine the case for promoting principled compromise—so long, that is, as the international community is careful to ensure that the parties avoid unnecessary conflict in characterising what they see as the implications of a given principle.³⁹ Alternatively, out of a concern for stability, the international community might encourage the parties to work from principles whose elaboration is less rather than more likely to give offence, leaving contentious issues to a future date when the parties might be better placed to deal with them constructively.

There are at least three further reasons to think that principled compromise may be more stable (or stable for longer) than strategic compromise. First, the comparative study of internal conflicts suggests that inclusion is crucial to the prospects for political stability.⁴⁰ For example, it is generally agreed that a successful compromise must include both moderates and hard-liners within the institutional structures for governing the state. Unless hard-liners are included, they may have no particular incentive to support the compromise or to refrain from engaging in ‘spoiler’ behaviour.⁴¹ While a carefully crafted strategic compromise should perform well on this score, a carefully crafted

³⁷ Rawls, *Political Liberalism*, pp. 131-172.

³⁸ Bellamy, *Liberalism and Pluralism*, pp. 99-100.

³⁹ See Gutmann and Thompson, *Democracy and Disagreement: Why Moral Conflict Cannot be Avoided in Politics and What Should be Done About It*, Cambridge, Harvard University Press, pp. 84-91, on the idea of an ‘economy of moral disagreement’.

⁴⁰ Most especially, Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, New Haven, Yale University Press, 1977.

⁴¹ See, e.g., John McGarry and Brendan O’Leary, *The Northern Ireland Conflict: Consociational Engagements*, Oxford, Oxford University Press, 2004, p. 25; Stephen Stedman, ‘Spoiler Problems in Peace Processes’, *International Security*, 22: 2 (1997), pp. 5-53.

principled compromise might perform even better. For example, having signed up to the principle of exclusively democratic means, a hard-line party that then sought to use the threat of a return to violence as a means of strengthening its own hand would need to justify, perhaps publicly, why a breach of that principle is justified. So, while inclusion may be necessary for stability, principles can defend a compromise process from the dangers of inclusion.

Secondly, internal conflicts affect not just the parties about whom we hear most, but also others in society—for example, minority groups that are not directly involved in the conflict, individuals who seek to break away from their community of origin or those for whom political struggles related to class or gender are of far greater concern than religious or ethnic differences.⁴² Those others will not normally have the opportunity to participate directly in the compromising process; the leaders of the main conflicting parties will usually determine which concessions will be made and on what terms. Yet insofar as a compromise is guided by principles that they can also share, they might not feel quite so excluded—for example, if a principle of respect for different ways of life is built into the compromise, groups excluded from the compromising process might nevertheless embrace the principle and invoke it in their own case. In the short term, that may add little to political stability. But in the longer term, it may aid the process of ‘normalisation’ by providing a political foot-hold for alternative forms of political identity or modes of engagement within the polity. As such, a principled compromise will send out the message that one need not engage politically along ethnic or religious lines.

A final (and related) reason why the international community should encourage the conflicting parties to build principled compromises rather than strategic compromises is because of the form of public reason that principled compromise facilitates. Insofar as a compromise is based on common political principles, and publicly known to be so, people may begin to defend their more everyday political preferences in terms of those

⁴² Shane O’Neill, ‘Justice in Ethnically Diverse Societies: A Critique of Political Alienation’, *Ethnicities*, 3: 3 (2003), pp. 369-92, at p. 386.

principles. What may then result is a virtuous circle—a principled compromise promotes principled deliberation, and that principled deliberation in turn reinforces the principled compromise.⁴³ To begin with the principles may be viewed simply as principles—for example, they may be taken to refer to little more than the mechanisms of decision making, or the basic weights and measures of resource allocation, and may be accepted simply as such by the conflicting parties. But over time, the principles may take on greater political significance—they may come to be seen not just as the common currency of political debate, but as an integral part of an emerging political system to which everyone shares a sense of allegiance.⁴⁴

Conclusion

Everyone recognises that compromise is ubiquitous in politics and that it is indispensable for the conduct of political life. Politics is said to be the art of the possible and we might think that compromise is essential to its being possible. And yet compromise has received remarkably little attention from political philosophers and international political theorists. Our aim in this article has been to dust off the idea of compromise and to see what a philosophical analysis of that idea might have to say about internal conflicts.

The international community has many reasons to promote compromise and to end internal conflict—not least of all because, in some cases, the only alternative to compromise may be violence, state dissolution and even inter-state war. But to do so

⁴³ Rawls, *Political Liberalism*, pp. 158-168.

⁴⁴ See Jürgen Habermas, 'Struggles for Recognition in the Democratic Constitutional State', in Amy Gutmann and Charles Taylor (eds), *Multiculturalism: Examining the Politics of Recognition*, Princeton, Princeton University Press, 1994, pp. 107-148, at p. 134. This argument is not as fanciful as it might seem. By way of supporting evidence one can point to the negotiation literature and in particular to the Harvard Programme on Negotiation's research into 'positive-sum games', 'principled bargaining' and the like. See, for example, Howard Raiffa, *The Art and Science of Negotiation*, Cambridge, Harvard University Press, 1982; Roger Fisher and William Ury, *Getting to YES: Negotiating Agreement Without Giving In*, Boston: Houghton and Mifflin, 1981. For an overview and discussion, see David Luban, 'Bargaining and Compromise: Recent Work on Negotiation and Informal Justice', *Philosophy and Public Affairs*, 14: 4 (1985), pp. 397-416, at pp. 399-400.

effectively, the international community might benefit from a better understanding of the idea of compromise and in particular from a better understanding of the two forms a compromise might take. In practice, the distinction between principled and strategic compromise may often be hard to draw—actual compromises may well entail some indeterminate mixture of the two. After years of conflict, the contending parties might share the goal of creating effective democratic institutions. But while they might not wish to concede any more than is absolutely necessary, they might also think that democratic institutions should be fair (e.g., they might think that the parties should be represented proportionally in parliament and cabinet). So, on one level, they might think strategically about the compromises that will need to be made in order to achieve their goals while, on another level, they might think that any compromise should be guided by principle.

Still, as we have argued, the distinction matters. The principles that underpin a principled compromise need not immediately reach to or determine every aspect of a compromise between conflicting parties. Following J.S. Mill, Dennis Thompson argues that, in the short term at least, a principled compromise need only ‘be directed at the “worst features of the existing system”’, or should only apply ‘where it is “most urgently needed”’, but need not govern the reform of the entire system.⁴⁵ Yet while a principled compromise need not be instituted in one go, it should allow us to design political institutions and procedures with an eye to the future. So, whereas a strategic compromise may be more attuned to getting things done in the here and now, a principled compromise can be broader in aspiration. Societies marked by internal conflict need all the help they can get. Yet if the international community is to play a constructive role in ending the conflict, it must first have a clear sense of what a compromise is and the different forms a compromise may take.

⁴⁵ Thompson, ‘Mill in Parliament’, p. 176.