

PROSPECTS OF THE RAWLSIAN LIBERAL DEMOCRATIC STATE TO BECOME THE UNIVERSAL STATE

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Abstract

This paper studies and critically analyzes Rawls's theory of the state in order to see whether the Rawlsian conception of the state can be the basis for the formation of a universal political order. Rawls advocates and argues for the establishment of what he calls the Society of Peoples which is supposed to be transnational world society though it is not supposed to be a consisting of the world population. It is maintained that Rawls's theory of the state is grounded in his conception of nationalism. It is argued that the Rawlsian concept of the liberal constitutional state is essentially nationalist and does not transcend the boundaries of the nation state.

Keywords: Nationalism, nation state, universal state.

JEL Classification: Z000

I. Rawls's Theory of the State:

I.I State as a Means to the Institutionalization of the Principles of Justice:

Rawls is a philosopher of the liberal tradition. He idealizes the constitutional democratic egalitarian state. Rawls proposes a liberal state with "a reasonably just constitutional democratic government that serves fundamental interests" (Rawls 2003, p. 23) of liberal peoples. The regime that Rawls idealizes "is not an autonomous agency pursuing its own bureaucratic ambitions. Moreover, it is not directed by the interests of large concentrations of private economic and corporate power veiled from public knowledge and almost entirely free from accountability" (Rawls 2003, p. 24). Rawls's conception of the state is based on his two principles of justice as he says that "the principles of justice as fairness in Theory require a constitutional democratic state" (Quoted from Rizvi PBR, 2003). Rawls's conception of the democratic egalitarian state is somewhat close to but essentially different from the welfare state as conceived by J.S. Mill. It is similar to the welfare state because of the Rawlsian difference principle and it is different from the welfare state because in a welfare state liberty, in principle, can be sacrificed for the enhancement of overall utility while in the Rawlsian conception "liberty can be restricted only for the sake of liberty itself" (Rawls 1980, p. 244) and "it is important to understand this to mean "basic liberty" to avoid being misled" (Freeman 2007, p. 65). Rawls's prioritization of liberty "means that the exercise of a *basic* liberty may be restricted only if this is needed to protect some other basic liberty, or leads to a greater overall liberty in the scheme of basic liberties" (Freeman 2007, p. 65). In other words, it is not a "liberalism of happiness" but rather a "liberalism of freedom". Constitutional order seeks the imposition of justice as fairness which is expressed in two principles i.e. the principles of justice that he expresses in lexical order. The first principle holds that

“each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.” (Rawls 1996, p. 5). The second principle states that: *“social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society”* (Rawls 1996, p. 6).

The main purpose of Rawls’s principles of justice is to distribute primary social goods in a “just” manner. “Primary social goods” include rights and liberties, powers and opportunities, income and wealth and bases of self-respect. These goods are “all-purpose social means that any rational person¹ *should* want whatever else he or she wants and of which it is rational to prefer more rather than less” (Freeman 2007, p. 65).

The first principle necessitates the provision of equal basic liberties for all citizens. Liberty of conscience, freedom of thought and expression, freedom of association, freedom of movement and free choice of occupation are the basic constitutional liberties that a state must guarantee otherwise a “just”, “rational” and “reasonable” society cannot be established. In this “just” society if there is, in any instance, a clash between the first and the second principles of justice the second principle should be sacrificed.

I.II Rawls’s Reasonable Pluralism

After the formulation of the two principles of justice Rawls’s problem is: “how is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable² though incompatible religious, philosophical, and moral doctrines? Put another way: How is it

possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?" (Rawls 1996, p. xviii). The problem is that though the principles of justice are the most 'just' and 'reasonable' principles for Rawls for establishing a just society how can they be acceptable to all people living in a society which is also deeply divided by diverse comprehensive doctrines that disagree on the question of how can the ideals of liberty and equality be materialized in the best possible way. Rawls's answer to this question is that for the existence of such a society "there must be an overlapping consensus of reasonable comprehensive doctrines" (Mandle 2009, p. 146). Rawls seeks the coexistence of a plurality of doctrines and he thinks that 'reasonable' pluralism is the appropriate response to conflicting demands of diverse doctrines. He expects that "although reasonable comprehensive doctrines will disagree about other matters, they can agree that coercion with regard to the basic structure of society requires a special type of justification that appeals to the reasonableness of the persons subjected to coercive demands" (Mandle 2009, p. 151). Rawls rejects the systemic supremacy of any comprehensive doctrine whether religious, philosophical or moral because "a shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power" (Rawls 1996). But Rawls's overlapping consensus that is employed to create 'reasonable' pluralism does not solve the problem because it engenders a political conception that "is so totalizing [that] it turns out to be a comprehensive doctrine in its own right" (Rizvi PBR, 2003) against those who reject liberty and equality as values, and thus, Rawlsian "overlapping consensus" cannot be maintained without the oppressive use of state power. Rawls presumes that all comprehensive doctrines agree on the desirability of liberty and equality and disagree only about how liberty and equality are to be institutionalized. A comprehensive doctrine which rejects liberty and equality as values cannot by definition be the part of

the Rawlsian “overlapping consensus”. Moreover, Rawls’s idea that an overlapping consensus on a political conception of justice in the absence of a shared comprehensive doctrine can produce stability is also faulty “since we cannot expect all reasonable people to share a single political conception of justice” (Mandle 2009, 154).

II. Rawlsian Nationalism:

Rawls’s idea of the nation is in line with that of John Stuart Mill. To Mill, the force that unites the members of a nation is “common sympathies”. Rawls holds that “liberal people have three basic features: a reasonably just constitutional democratic government...citizens united by what Mill called “common sympathies”; and finally, moral nature” (Rawls 2003, p. 23). All members of a nation have sympathies for each other that they do not have for the members of other nations. To Rawls, in consonance with Mill, one of the main characteristics of liberal peoples is that they are a nation whose members “are united among themselves by common sympathies, which do not exist between them and any others—which make them cooperate with each other more willingly than with other people, desire to be under the same government, and desire that it should be the government by themselves, or a portion of themselves, exclusively” (Rawls 2003, p. 23 fn). This feeling of nationality is the effect of various causes in various cases. This feeling sometimes “is the effect of identity of race and descent. Community of language, community of religion, greatly contribute to it. Geographical limits are one of its causes” (Rawls 2003, p. 23 fn). Thus, race, language, religion and geography all of them, to different degrees, generate a feeling of nationality among a particular people. There is still another cause which is the strongest of all, and according to both J.S. Mill and Rawls, it is “identity of political antecedents; the possession of national history, and consequent community of recollections; collective

pride and humiliation, pleasure and regret, connected with the same incidents in the past” (Rawls 2003, p. 23 fn). Rawls is in unison with Mill in thinking that community of recollections is a more important cause for the development of a feeling of nationality than race, language, religion and geography. The Rawlsian liberal state does not have the common sympathies for other nation states. Common sympathies or community of recollections may be uniting and constructive forces at the national level but they are dividing and destructive forces at the global level. Rawlsian nationalism is a nationalism in which common sympathies and community of recollections have greatest significance while race, language, religion, and geography also play an important role.

Rawls’s commitment to nationalism is implicit in his explicit rejection of global egalitarianism while he is a strong advocate of domestic egalitarianism. On the question of global distribution of wealth and income he “asks us to imagine two societies, initially equally well-off. The first society decides to industrialize and increase its real rate of savings; the second society prefers a more pastoral and leisurely existence. After a few decades, the first society is twice as well-off as the second” (Martin & Reidy 2006, p. 98). To Rawls, “it would be inappropriate to tax the first society and redistribute the proceeds to the second—for this would not respect each society’s right to self-determination” (Martin & Reidy 2006, p. 98). Peter Singer says that if the problem of redistribution of wealth “can be answered in the case of redistribution within a society, I see no reason why it cannot be answered in the case of redistribution between societies” (Singer 2002, p. 178). Rawls holds that liberal societies have a duty to assist what he calls “burdened societies” so that they can become well-ordered societies and can accept the Law of Peoples³. Rawls does not exhibit sympathy for the individuals who are starving, and dying of easily preventable diseases, who are suffering from malnutrition and who have no access to clean

drinking water because they happen to live in some non-developed geographic unit, have a different history and different community of recollections. Rawls “writes of the duty of assistance always as a part of a much broader project of helping peoples to attain liberal or decent institutions” (Singer 2002, p. 179). Rawls does not seem to care that “as our world is now, millions will die from malnutrition and poverty-related illnesses before [or if] their countries gain liberal or decent institutions and become well-ordered” (Singer 2002, p. 179-80). Singer agrees with Leif Wenar who has said of the Law of Peoples: “Rawls in this work is concerned more with the legitimacy of global coercion than he is with the arbitrariness of the fates of citizens of different countries” (Singer 2002, p. 179). In the modern world it is the lack of common sympathies and presence of nationalism that causes not only passive unconcern for the dying but also active aggressive wars in the name of human rights against nonliberal peoples.

A nationalist liberal democracy becomes destructive, as “Michael Mann has argued that there is a necessary relationship between liberal democracy and genocide” (Rizvi PBR, 2003). Nationalist liberal democracy causes ethnic cleansing at the domestic level and mass annihilation in the name of humanitarian war at the global level. Mann holds that “the countries inhabited by Europeans are now safely democratic, but most have also been ethnically cleansed” (Mann 2005, p. 5), as, for example, the American state was established after slaughtering millions of so-called Red Indians and since then it has invaded and intervened into several nations world over, for example, “over the 10-year period that preceded the terrorist bombings of 11 September 2001, the US intervened militarily in other countries no fewer than nine times, and both the duration and intensity of the intervention increased dramatically” (Jha 2006, p. 203). It seems to be the genocidal nationalism of liberal democracies that makes Rawls declare that liberal and decent peoples “simply do not tolerate outlaw states (i.e. *states that*

have aggressive aims and that do not accept liberal human rights). This refusal to tolerate nonliberal states is a consequence of liberalism and decency” (Rawls 2003, p. 81). This clearly shows that Rawlsian liberalism does not idealize peaceful coexistence with other modes of life and those nations that practice a nonliberal mode of existence are branded as outlaw states. Liberalism either endeavors to transform nonliberal states (‘regime change’) or annihilate them. The ruthless liberal nationalist havoc that is being played out by the U.S.A at the global level is in consistency with a declaration of Thomas Jefferson who said, “if ever we are constrained to lift the hatchet against any tribe, we shall never lay it down till that tribe is exterminated, or driven beyond the Mississippi....In war, they will kill some of us; we shall destroy all of them” (Quoted from Mann 2005, p. 70). If, for example, a Muslim country does not conform to the Rawlsian model state of Kazanistan, perceived by Rawls, it will be branded as an outlaw state. It will be declared an outlaw state because it has not accepted the rule of liberal law. Liberal democracies will continue war and ethnic cleansing against nonliberal people and “unless humanity takes evasive action, [these wars] will continue to spread until [liberal] democracies [alone]...rule the world” (Mann 2005, p. 5). For Rawls, the ultimate global goal of a liberal people is to “act gradually to shape all not yet liberal societies in a liberal direction, until eventually all societies are liberal” (Rawls 2003, p. 82).

III. Can the Rawlsian Liberal State become the Universal State?

III.I Rawls’s Society of Well-Ordered Peoples:

Rawls prefers to use the term peoples to states but this preference does not mean that he is not concerned with states. He gives a vision of the Society of Well-Ordered Peoples which essentially consists of liberal constitutional democratic states and what he calls decent hierarchical Peoples. He gives a vision of the Society of Peoples and not that of States because he is not

satisfied with the traditional conception of the state. In other words, he does not endorse the inclusion of traditional states in the Society of Peoples, for example, he stipulates, “we must reformulate the powers of sovereignty in the light of a reasonable Law of Peoples and deny to states the traditional rights to war and to unrestricted internal autonomy” (Rawls 2003, p. 26-27). Rawls rejects the traditional concept of the state in that he denies both the state’s traditional right to aggressive war and the internal autonomy of the state. We will see below that well-ordered peoples have right to make war against what Rawls calls Outlaw States. Outlaw states are “regimes that refuse to comply with a reasonable Law of Peoples” (Rawls 2003, p. 90). Rawlsian well-ordered peoples have legitimate states while others may not have. I suppose that Rawls would not use the term Peoples instead of states if all states were liberal constitutional democratic states. When Rawls says, “the Law of Peoples hopes to say how a world Society of liberal and decent Peoples might be possible” (Rawls 2003, p. 6) it implies that liberal national states and decent national states are supposed to be the members of the Society of Peoples because it will not just be the Peoples but states that will make intervention in the internal affairs of the outlaw states; apart from that, individuals living in outlaw states who are inclined towards liberalism may also be the members of the Rawlsian Society of Peoples.

Rawls’s society of well-ordered peoples consists of two types of peoples: liberal peoples and decent hierarchical peoples. Rawls endorses the toleration of two types of nonliberal peoples, namely decent people and benevolent despotisms. Though a decent society, to Rawls, “may assume many institutional forms, religious and secular” it has to be in accordance with two criteria “to be a member in good standing in a Reasonable Society of Peoples” (Rawls 2003, p. 64). The first criterion is that “the society does not have aggressive aims, and it recognizes that it must gain its legitimate ends through diplomacy and trade and other

ways of peace” (Rawls 2003, p. 64). The second criterion is subdivided into three parts: “(a) a decent hierarchical people’s system of law . . . secures for all members of the people what have come to be called human rights . . . A slave society lacks a decent system of law, as its slave economy is driven by a scheme of commands imposed by force. It lacks the idea of social cooperation . . . (b) a decent people’s system of law must be such as to impose *bona fide* moral duties and obligations (distinct from human rights) on all persons within the people’s territory. Since the members of the people are viewed as decent and rational . . . they recognize these duties and obligations as fitting with their common good idea of justice and do not see their duties and obligations as mere commands imposed by force . . . (c) there must be a sincere and not unreasonable belief on the part of judges and other officials who administer the legal system that the law is indeed guided by a common good idea of justice. Laws supported merely by force are grounds for rebellion and resistance” (Rawls 2003, p. 65-66). A people that do not fulfill these criteria do not qualify for the Rawlsian Society of Well-Ordered Peoples.

Rawls’s idea of future Society of Well-Ordered Peoples is “realistically utopian in that it depicts an achievable social world that combines political right and justice for all liberal and decent peoples in a Society of Peoples” (Rawls 2003, p. 6). Thus, Rawls’s realistic utopia, according to Rawls, is not an unachievable ideal utopia but an “achievable social world”. It is utopian in that “it joins reasonableness and justice with conditions enabling citizens to realize their fundamental interests” (Rawls 2003, p. 7). To the question whether the idea of a realistic utopia is a fantasy he responds negatively as discussing the great evils of the past__ like the Holocaust and the Inquisition__ and of the present he says, “yet we must not allow these great evils of the past and present to undermine our hope for the future of our society as belonging to a society of liberal and

decent peoples around the world” (Rawls 2003, p.22). Rawls is hopeful because he thinks that they have already formulated a “reasonably just constitutional democracy” (Rawls 2003, p. 23). To Rawls, with the emergence of a reasonable Law of Peoples, derived from the reasonable political liberalism, the perceived realistic utopia “no longer simply [remains] longing, our hope becomes reasonable hope” (Rawls 2003, p. 23). This hope mainly depends on two types of Peoples i.e. liberal peoples and decent peoples.

To present a model of a decent hierarchical society Rawls imagines a Muslim country, Kazanistan. Kazanistan does not institute the separation of church and state. In this imagined state, “Islam is the favored religion, and only Muslims can hold the upper positions of political authority and influence the government’s main decisions and policies, including foreign affairs” (Rawls 2003, p. 75). These are the features of Kazanistan that make it a nonliberal state but it has another feature that makes it neither liberal nor an Islamic state but a decent state and that is that it is characterized by “its theologians’ interpreting *jihad* in a spiritual and moral sense, and not in military terms” (Rawls 2003, p. 76). The Islamic concept of *jihad* in its totality is unacceptable to Rawls whereas liberal states are authorized to intervene in the domestic affairs of any country if they find the violation of liberal human rights. Rawls wants Muslim theologians to restrict the concept of *jihad* to its spiritual interpretation but declares concerning the liberal principles of war that supreme emergency exemption “sets aside—in certain special circumstance—the strict status of civilians that normally prevents their being directly attacked in war” (Rawls 2003, p. 98). Rawls also asserts, “human rights set necessary, though not sufficient, standard for the decency of domestic political and social institutions” (Rawls 2003, p. 80). The purpose of the imposition of the liberal human rights in decent societies like Kazanistan is to “limit admissible domestic

law of societies” that are “in good standing in a reasonably just Society of Peoples” (Rawls 2003, p. 80). These human rights, to Rawls, have three roles: “(1) Their fulfillment is a necessary condition of the decency of a society’s political institutions and of its legal order. (2) Their fulfillment is sufficient to exclude justified and forceful intervention by other peoples, for example, by diplomatic and economic sanctions, or in grave cases by military force. (3) They set a limit to the pluralism among peoples” (Rawls 2003, 80).

If Muslim societies thus transform themselves then in this way they should be tolerated. Rawls is ready to tolerate Muslim societies as long as liberal societies are not required to give up their fundamental principles of war against violations of capitalist human rights whereas he wants Muslims to tolerate liberals even if it requires them to go beyond the boundaries of Islam. If Muslim societies transform themselves to the extent that they become tolerable to liberals they will not remain Muslim. They will become what Rawls calls decent societies, and at the second stage they will become liberal societies, and the ultimate vision of Rawls is “to shape all not yet liberal societies in a liberal direction, until eventually (in the ideal case) all societies are liberal” (Rawls 2003, p. 82). This is a vision of disempowerment of church and mosque in the whole world for all times and this is how we will globalize Enlightenment values, and this is how the Nietzschean project of the death of God (as sovereign) will be realized. For Rawls, Sharia observant Muslims are indecent and disordered whereas gays and lesbians and agnostics are well-ordered and decent.

On the one hand, to set the limits of toleration of nonliberal societies, Rawls proposes that Kazanistan will not institute the separation of church and state, and on the other hand he proposes the restriction of the concept of *jihad* and envisages the imposition of the concept of human rights within Kazanistan and this, of course, is not possible in a state in which religion and state are united. Toleration requires political and social transformation and Rawls is not ready to transform liberal societies. He is not willing to tolerate nonliberal peoples i.e. nonliberal orthodox Muslims and Christians.

III.II The Global Original Position:

In his Law of Peoples (2003) Rawls conceives of a second original position which, unlike the domestic original position, is global. He uses the second original position to extend a liberal conception to the Law of Peoples though he asserts that the law of peoples is not exclusively liberal because it accepts the legitimacy of what Rawls calls decent hierarchical societies. His Law of Peoples “conceives of liberal democratic peoples (and decent peoples) as the actors in the Society of People just as citizens are the actors in domestic society” (Rawls 2003, p. 23). Thus, to Rawls, “each party in the global original position should represent an entire domestic society—or a people” (Martin & Reidy, 2006, p. 97). Rawls’s Law of Peoples is not a law among the states. He does not identify peoples with states, and liberal peoples are different from nonliberal peoples though all nonliberal peoples are not alike. Rawls’s imagined decent peoples are closest to the liberals and share some key features with them. Rawlsian liberal peoples possess three basic features: “a reasonably just constitutional democratic government that serves their fundamental interests; citizens united by what Mill called “common sympathies”; and finally, a moral nature” (Rawls 2003, p. 23). Rawls introduces a thick veil of ignorance in the global original position and “not allowing the parties to know people’s

comprehensive doctrines is one way in which the veil of ignorance is thick as opposed to thin” (Rawls 2003, p. 31). Rawls seeks to establish “reasonable” pluralism which is different from pluralism at national level. “Reasonable pluralism” is not inclusive of nonliberal societies and even in liberal societies it requires an overlapping consensus of reasonable doctrines. It is by the overlapping consensus that a political conception of justice can be established on which all parties might agree. Rawls says, “putting people’s comprehensive doctrines behind the veil of ignorance enables us to find a conception of justice that can be the focus of an overlapping consensus and thereby serve as a public basis of justification in a society marked by the fact of reasonable pluralism” (Rawls 2003, p. 32). Rawls puts liberal democratic peoples and decent hierarchical peoples in one category and uses the term of well-ordered peoples for them. It is only well-ordered peoples that choose the principles of the Law of Peoples from behind the veil of ignorance. The global original position does not include “disordered” peoples that are neither “reasonable” nor “rational”, and therefore, they cannot choose the same principles of the law of peoples that liberal and “decent” people can. Rawls holds that “a liberal people can live with other peoples of like character in upholding justice and preserving peace” (Rawls 2003); thus, the peoples who are neither liberal nor decent are not actors in the law of peoples but rather they are supposed to be acted upon through war, subordination and domination. And any society that does not recognize liberal human rights has no right even of self defense as Rawls declares: “any society that is nonaggressive and that honors human rights has the right of self defense” (Rawls 2003, p. 92).

III.III Rawlsian World: Divided into Five Sub-Worlds by the Degrees of Human Rights Observance:

Rawls divides the whole world into five distinct and diverse domestic or national societies and he seems to

be using the terms states and societies almost equivalently. Rawls puts reasonable liberal peoples and decent hierarchical peoples in one category that he calls well-ordered peoples. Now the rest of the world consists of three types of societies, namely outlaw states, societies burdened by unfavorable conditions or simply burdened societies, and benevolent absolutisms. Outlaw states are those regimes that “refuse to comply with a reasonable Law of Peoples”; “these regimes” Rawls argues “think a sufficient reason to engage in war is that war advances, or might advance, the regime’s rational (not reasonable) interests” (Rawls 2003, p. 90). Burdened societies are those “whose historical, social and economic circumstances make their achieving a well-ordered regime, whether liberal or decent, difficult if not impossible” (Rawls 2003, p. 90). Benevolent absolutisms “honor human rights; but, because their members are denied a meaningful role in making political decisions, they are not well-ordered” (Rawls 2003, p. 4).

Rawls seeks the transformation of all types of societies into liberal societies. His arguments for political liberalism imply that diversity and heterogeneity should find its space within the boundaries of and restrictions set by political liberalism. But this does not mean that Rawls conceives or endorses the idea of establishing a liberal global state. He explicitly rejects the idea of a global state. In unison with the view held by Kant in his *Toward Perpetual Peace* (1795) Rawls holds that “a world government... would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy” (Rawls 2003, p. 36). Ruling out the idea of a world state Rawls finds the existence of certain global organizations necessary. They are supposed to be

“charged with regulating cooperation among [different peoples] and meeting certain recognized duties” (Rawls 2003, p. 36). For example, there should be “an organization with a role similar to that of the United Nations” (Rawls 2003, p. 42) that Rawls refers to as a “Confederation of Peoples (not states)”. The objective of this organization will be to ensure the establishment of Rawlsian just national institutions and compliance with liberal human rights by all peoples. And in the grave case of existence of unjust national institutions or violations of human rights the above-mentioned organization “may try to correct them by economic sanctions, or even by military intervention. The scope these powers cover all peoples and reaches their domestic affairs” (Rawls 2003, p. 36).

Rawls maintains that in the present political scenario national governments cannot be allowed to have complete internal sovereignty. He declares that “a [national] government’s internal autonomy is now limited” (Rawls 2003, p. 79) and this is because human rights are universal rights and every state whatever category it belongs to has to respect a minimal of human rights and in the case of an “outlaw state that violates these rights it is to be condemned and in grave cases may be subjected to forceful sanctions and even to intervention” (Rawls 2003, p. 36). Rawls is much concerned about the violations of human rights across the globe while he does not show the same sympathy for the starving, dying, sick and those who are subjected to malnutrition. His great concern for human rights and apathetic unconcern for the individuals who are living in extremely miserable conditions reveal the inner dichotomy of his approach to the peoples of nonliberal countries whose “welfare” is not his concern though their supposed rights are. Prem Shankar Jha holds that “as a pretext for intervention, human rights suddenly sprang into

prominence only after the end of the Cold War” (Jha 2006, p. 202). There are no fewer than four instances preceding the bombings of 11 September 2001 when “interventions were justified as a defence of human rights...in Somalia in 1992, Bosnia in 1993, Haiti in 1994, and Kosovo in 1999” (Jha 2006, p. 203). In all these interventions protection of human rights was only a pretext and the real goal was “to create a legitimate modern [capitalist] state in the country” (Jha 2006, p.203). In these interventions (as in the interventions in Iraq and Afghanistan) “the defence of human rights became secondary to a more ambitious programme of nation building” (Jha 2006, p. 204). We find no evidence of Rawls’s opposition to these interventions.

IV. Conclusion:

Thus, we have seen that Rawls’s conception of the state does not provide a basis for the conceptualization of a universal state. He declares in consonance with Kant that a world government is not desirable. Rawls’s liberalism does not transcend shared national sympathies and remains essentially nationalist. It is also clear that Rawlsian nationalism is grounded in economic interest as is revealed by his endorsement of national egalitarianism but rejection of global egalitarianism.

Notes

¹ Rawls maintains that “the rational....applies to a single, unified agent (either an individual or corporate person) with the powers of judgment and deliberation in seeking ends and interests peculiarly its own. The rational applies to how these ends and interests are adopted and affirmed, as well as to how they are given priority. It also applies to the choice of means.....to adopt the most effective means to ends, or to select the more probable alternative, other things equal.....What rational agents lack is the particular form of moral sensibility that underlies the desire to engage in fair cooperation as such, and to do so on terms that others as equals might reasonably be expected to endorse “ (Rawls 1996, p. 50-51).

² Rawls holds that “persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so. Those norms they view as reasonable for everyone to accept and, therefore, as justifiable to them; and they are ready to discuss the fair terms that others propose. The reasonable is an element of society as a system of fair cooperation and that its fair terms be reasonable for all to accept is part of its idea of reciprocity.....Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others” (Rawls 1996, p. 49-50). Distinguishing between the rational and the reasonable Rawls says, “Knowing that people are rational we do not know the ends they will pursue, only that they will pursue

them intelligently. Knowing that people are reasonable where others are concerned, we know that they are willing to govern their conduct by a principle from which they and others can reason in common, and reasonable people take into account the consequences of their actions on others' well-being" (Rawls 1996, p. 49 fn).

³ Defining the Law of Peoples Rawls says that by the Law of Peoples he means "a particular political conception of right and justice that applies to the principles and norms of international law and practice.... In this book I consider how the content of the Law of Peoples might be developed out of a liberal idea of justice similar to, but more general than, the idea I called *justice as fairness*" (Rawls 2003, p. 3).

⁴ Giving the defining features of the Society of Peoples Rawls says, "I shall use the term 'Society of Peoples' to mean all those peoples who follow the ideals and principles of the Law of Peoples in their mutual relations. These peoples have their own internal governments, which may be constitutional liberal democratic or nonliberal but decent governments.

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