

## Political Liberalism Abroad

Michael Blake  
Associate Professor of Philosophy and Public Policy  
University of Washington  
Seattle, WA 98195  
[miblake@u.washington.edu](mailto:miblake@u.washington.edu)

There are at least three ways of understanding the relationship between the concept of justice and the political state. Each of these understandings, moreover, carries with it a distinct view of what states owe to non-citizens living abroad. The first view is that justice is necessarily limited in its application to the domestic political context; justice, on this view, has no applicability as a concept where there is no shared political state.<sup>1</sup> The second is that justice finds applicability wherever human beings engage in cooperative activity; while the state may be a useful instrument by which justice is achieved, the concept of justice itself has no intrinsic links to state powers or political association.<sup>2</sup> The final view is that justice as a concept is best understood within the context of the domestic political society, but that the moral reasons we have to defend this concept extend globally. The moral notions animating justice at home, that is, demand that we value human beings more generally, such that individuals have legitimate claims on us both at home and abroad. It does not matter much, on this view, whether we call this global class of duties *justice*, so long as we accurately understand how our domestic moral commitments constrain our actions abroad.

---

<sup>1</sup> See T. Nagel, “The Problem of Global Justice,” 33 *Philosophy and Public Affairs* (2005).

<sup>2</sup> See C. Beitz, *Political Theory and International Relations* (1979); T. Pogge, *World Poverty and Human Rights* (2003).

This last way of understanding the concept of justice is relatively underexplored. In what follows, I want to develop this vision more fully. What I want to examine, in particular, is the implications of one particular form of domestic political philosophy abroad: the political liberalism defended by, among others, John Rawls. The foundations of this liberalism, I will argue, can provide an ethical framework to guide the foreign policy of the liberal state. The moral categories we use to develop our domestic principles of justice, that is, may have implications for international rights and duties. This fact is compatible with the idea that political justice as it is usually understood – as a pattern of political rights and duties mandating individual liberties, democratic governance, and certain guarantees of material equality – is limited in its applicability to the domestic context. The moral reasons we have to care about these things at home can give us guidance abroad.

In one sense, this conclusion is not surprising: John Rawls himself argues, in *The Law of Peoples*, that political liberalism can be used as a framework from which we might develop an attractive and plausible set of international rights and duties. I want to argue, however, that this is not the only way in which political liberalism might be extended abroad. Whereas Rawls himself emphasizes political liberalism's notions of reciprocity and tolerance in his extension to the international realm, we might instead emphasize political liberalism's commitment to the justification of political coercion to all individuals subject to such coercion. The result, I believe, is an attractive vision of how a liberal state might understand the normative constraints on its actions abroad. This vision of political liberalism will not privilege agreement between collective groups such as peoples, but rather demand that political communities seek to justify their domestic

actions through appeal to the moral categories implicit in political liberalism itself. The specific package of international rights and duties thereby produced, I believe, will be quite unlike those developed in *The Law of Peoples*, but might nonetheless stand as a plausible and attractive vision of how liberalism might be applied internationally.

I will develop this alternative in three parts. The first will develop an account of a dilemma facing any political liberal seeking an international analogue to her domestic theory. Liberals have to choose between institutional stability and respect for moral agency in their international theorizing, I argue; while Rawls gives us some reason to choose the former alternative, we might instead select the latter, and use it as a guide to international policy. I will argue that those who choose the latter have every right, moreover, to be considered *political* liberals. The second section defends this pattern of argumentation against some criticisms implicit in Rawls: namely, that this pattern of argumentation will be arrogantly interventionist, and unduly parochial. In response, I argue that some tools found within political liberalism itself – in particular, the Rawlsian notion of the burdens of judgment – might serve to prevent the negative consequences imagined here. The concern of parochialism, moreover, only arises upon a particular understanding of what liberalism internationally ought to do. If the goal of liberalism is to found a set of principles on which all or most states can agree, then parochialism is indeed a worry. On the formulation of political liberalism I defend, however, the goal of liberalism is not to defend such principles, but to guide liberal foreign policy; as such, liberal states may sometimes act upon principles they know could not be accepted by other, less liberal, states. The final section, finally, defends a notion of international human rights and international law that might be developed out of these materials. In

particular, while we have reason to be minimalist about the human rights we enshrine in international law, where such law is understood as a constraint on international military actions, we have reason to be more maximalist about the moral norms we think ought to guide state policy more generally. Human rights, on this analysis, are best understood as a two-tiered concept; while a minimal core might be defended through international legal means, a more maximal set might serve as a moral guide to discretionary state actions – what Joseph Nye calls the “soft power” of international diplomacy, trade, and negotiation.<sup>3</sup>

## **I. Political Liberalism: Toleration and Equality**

We might begin with a simple question: what makes political liberalism political? The canonical answer, I think, begins with the attempt to make liberalism as compatible as possible with a diversity of comprehensive doctrines of the good.<sup>4</sup> In this, it recognizes that such a diversity of views is an inevitable consequence of freedom; no single theory of value can expect to attain universal assent. Accordingly, political liberalism seeks to respect such individual moral decision-making, by decoupling liberal political philosophy from controversial matters of moral ontology and epistemology. Political liberalism seeks, instead, to appeal to a diversity of comprehensive doctrines. It asks of these doctrines only that they should be reasonable, in the sense that they should regard the reasons needed to justify political authority as having to appeal to doctrines other than their own. A reasonable doctrine, on this account, will not use the coercive

---

<sup>3</sup> Joseph Nye, *Soft Power: The Means to Success in World Politics* (2004)

<sup>4</sup> See generally Lecture I of *Political Liberalism*.

power of the state in a manner which could only be justified with reference to the internal content of that doctrine; some more distinctively political and neutral set of values is required. This gives rise, in political liberalism, to the idea of a political conception of justice. This is a moral conception capable of guiding policy discussions, but a moral conception worked out only for a particular subject – namely, the domain of the political. The moral basis of this conception, moreover, is developed not from within any particular doctrine, but from the ideas and concepts present within the political culture of a democratic state. In this manner, political liberals suggest, a moral framework for liberal politics might be developed which could be accepted by all or most reasonable doctrines; liberalism, on this account, need not take sides in doctrinal or ethical disputes, but may co-exist with a pluralism of values and ways of life.

This vision of political liberalism, of course, is little more than a sketch. It may suffice, however, for our present purposes. The main thing we have to notice, at present, is that there are two distinct virtues of political liberalism in the domestic context.<sup>5</sup> The first is that it provides a guarantee of stability, by means of a guarantee of reciprocal agreement. Those parties who could deviate from the agreed-upon principles governing their collective decisions are given reasons to co-operate; indeed, they are given reasons they could not reasonably reject, given the nature of the political conception of justice. All agents whose consent is needed for the principles to become effective are thus given reason to continue co-operating. The second virtue, of course, is that it provides a guarantee of a distinctively liberal form of governance. The sort of values we can expect

---

<sup>5</sup> The next few paragraphs are adapted from my “Reciprocity, Stability, and Intervention: The Ethics of Disequilibrium,” in D. Scheid and D. Chatterjee, eds., *Ethics and Foreign Intervention* (2003).

to form the political conception of justice, that is, include familiar liberal ideals of political equality and moral individualism. Political liberalism, domestically, is distinctively political, but nonetheless a form of liberalism; it guarantees the liberal rights of individuals through the collective and coercive sphere of politics.

What is important to note now is that these two advantages are mutually supporting in the domestic arena. We get stability, that is, precisely because we can expect agreement on the political viability of liberal principles. We expect, on this analysis, that the political conception of justice we employ will become the focus of an overlapping consensus; that to which individuals are expected to agree is a political conception from which can be derived the liberal values and norms associated with domestic legitimate governance. We get stability and liberal norms, as it were, in a package deal.

Internationally, however, things are not quite so neat. The agents who can defect, in international politics, are not individual moral agents, but corporate and collective bodies such as states. Given the fact that international politics do not involve individual agents gathered beneath a coercive state, but the practices and actions of collective agents who have no juridical superiors, it seems that the principled assent we seek must be from states or state-like agents. If we want a set of reciprocal agreements between all those parties who could otherwise defect from a negotiated agreement, then we must seek reciprocity between entities such as states. As such, we cannot hope to make liberal politics and stability through reciprocity as compatible internationally as they are domestically. The disagreements between states, after all, are precisely over whether and how liberal norms of governance deserve our respect; to insist upon any set of liberal

norms would be to deny the possibility of negotiated reciprocity as the basis for political life. We have, it seems, a choice here between a guarantee of stability and those moral norms giving liberal politics their moral force.

This is, I think, a serious dilemma for international liberalism, and it requires our attention. We can, I think, respond in one of two ways. We can seek a liberalism premised upon toleration of collective difference, and thereby give a plurality of political entities a say in the declaration of moral principles by which their interactions shall be guided. This might be termed the liberalism of *tolerance*; internationally, it expands upon and endorses the part of political liberalism which demands the toleration of difference, seeking to develop agreement by creating a class of political reasons which might be agreed upon in the face of widespread political disagreement. We can, instead, seek a liberalism which endorses those specific rights and duties which have historically been linked to liberal politics. This liberalism would insist upon the centrality of the values animating the political conception of justice, and argue that they have privileged status in politics generally. This might be termed the liberalism of *equality*, insofar as it insists upon the equality of persons as moral agents, and uses this normative view to ground specific liberal norms and principles. The choice between these two forms of liberalism is, I think, rather stark. A liberalism of tolerance, that is, will have to abandon internationally many of the norms we have associated with liberalism in the past, given the need for reciprocal agreement between states. A liberalism of equality, in contrast, will have to come to terms with the fact that such a liberalism could not be used to ground agreement between collective agents such as states, given the profound and persisting degree of disagreement found between such agents.

Rawls, I think, tries to overcome this difference by claiming that an international liberalism of tolerance is in fact implied by the norms making equality valuable in the domestic arena. On this analysis, the very reasons we have to value individuals domestically give us reason to value collective forms of life internationally. If we think that toleration of different conceptions of the good domestically is an important part of liberalism, that is, we ought to value the diversity of collective forms of political governance abroad. Just as a liberal ought to tolerate difference at home by refusing to make any religious or moral position orthodoxy, that is, she ought to tolerate difference abroad by refusing to think that liberal norms of politics are the only legitimate forms of collective political life.

The difficulty with Rawls's method, however, is that it obscures the true cost in terms of moral equality of valuing international diversity. To give principled respect to illiberal political forms of governance is to give principled respect to the purported rights of some individuals to deny or repress difference in their own domestic political communities. We may say, with Rawls, that we respect the illiberal (but reasonable) forms of governance abroad as an analogue to our domestic tolerance of difference. In saying this, however, we are implicitly saying that we respect the rights of foreign state bodies to deny or disrespect the norms of tolerance we care about domestically. While this latter might be defended as the best form an international liberalism might take, it requires some more substantive argument. We cannot ignore the force of the dilemma by claiming that an international liberalism of tolerance emerges in a direct and unproblematic way from the domestic liberalism of equality.



We have, therefore, to make a rather stark choice internationally between political stability and the norms of liberal politics. I think John Rawls, despite the arguments given above, is best interpreted as choosing one side of this dilemma. He defends a liberalism of tolerance, on which the task of liberalism is to derive principles constraining the actions of states which might be acceptable to a plurality of corporate political agents such as states. There is nothing preventing us from following Rawls down this path, and I do not mean to suggest that his derivation of political liberalism abroad is in error. I want only, in the present context, to develop the alternative path, and give some indication of its strengths. I will, in what follows, therefore develop an alternative derivation of liberal politics abroad – one which argues that the content of our domestic conception of political justice must not be taken simply as a convenient focus for international agreement, but as a uniquely privileged set of moral ideals, suitable to guide the foreign policy of liberal states. On this version, the focus of international liberalism is in the identification of what liberal states may and may not do abroad – whether through coercive means such as military intervention, or non-coercive means such as negotiation and diplomatic pressure. Given the moral content of the political conception of justice – which includes the idea that individual persons ought to be treated as morally equal by those state agencies which coerce them – the foreign policy of a liberal government ought to be directed at the promotion and defense of liberal rights abroad, including the defense of such liberal norms as democratic governance. On this version of political liberalism abroad, the liberalism of a political liberal is not contingent, based only upon the lucky coincidence of liberal norms' prevalence domestically. Here, the liberal nature of political liberalism is uniquely privileged, as – if not true – then at least

as more a plausible candidate for truth than any competing notion. Political justice, here, is not just a local preference; it is felt, by its defenders, to be uniquely appropriate as a justificatory framework for political life.

Is it possible for us to insist upon these values internationally, and yet still consider ourselves political liberals? The answer, I think, is yes – so long as political liberalism is understood as a moral conception worked out for a particular institutional site, and not simply as a means of avoiding intractable conflict. To see this, note that there are two ways in which a political liberalism is political. The first is in the site to which it is deemed applicable. Whereas a comprehensive liberalism such as that of Mill insists that its authority ranges over the entire scope of human interactions, and over the entirety of any individual human life, a political liberalism insists that it applies only in the specific context of political coercion.<sup>6</sup> The second aspect is a distinct epistemic status for the political conception of justice forming the focus of the overlapping consensus. A political liberalism, in order to avoid alienating any reasonable comprehensive doctrine, insists that its political conception is not connected to any particular view of ethical or metaphysical truth. As such, political liberalism avoids even the modest epistemic claims to truth made by comprehensive liberals as regards the validity of their own normative judgments.

Rawls, naturally, emphasizes both aspects of political liberalism; again, in the domestic arena, they come as a package. Liberalism seeks a restriction of its ambitions in both epistemic status and range of applicability, and hopes that such restrictions lead to the possibility of reasoned consent to political principles. The two aspects, however, are

---

<sup>6</sup> J. S. Mill, *On Liberty*. Mill insists that liberalism covers both social and legal coercion, and demands certain specific individual attitudes towards received social wisdom.

separable. We might develop a form of political liberalism that maintained political liberalism's commitment to a distinctively political role for justice, while nonetheless insisting that the political conception of justice has normative force quite apart from its justificatory role in an overlapping consensus. The political conception of the person as free and equal, on this analysis, might be understood not simply as a useful way of getting agreement on politics between rival conceptions of the good; it might be understood as uniquely privileged, epistemically favored – perhaps, in the end, even as true.

Why, though, should we care to separate these two aspects of political liberalism? The answer, I think, comes about when we reflect that in the international realm we have to decide what the political liberal's attitude will be towards liberalism itself. This requires us to reflect upon the status of the political conception of justice within Rawls's domestic theory. There are two possibilities here; the first is that we ought to see the political conception of justice as merely contingently attached to political liberalism. On this analysis, the core of political liberalism is found in the search for stability, and we use the democratic and liberal notions found within the political conception only because this conception is useful to us. In another context, an entirely different set of normative principles might do the job equally well. The second possibility – which I think is a better interpretation – is that the most attractive form of political liberalism is one that takes these liberal values as inherently privileged. These values are not simply useful, but defensible as appropriate values for political justification. As such, we might defend these values as politically important guides to political agency – even, perhaps, in the

global context in which they will undoubtedly prove too controversial to form a basis for international agreement.

There are a few reasons to think that the second interpretation of the political conception of justice is the better one. The first stems from the moral notion of reciprocity itself. The idea of reciprocity animates much of Rawls's thought, and argues that political actions are justifiable only in accordance with principles all could agree upon under conditions of fair and unforced agreement. Such reciprocity, however, is not merely contingently connected with the liberal notions of moral agency found in the political conception itself. The two sorts of ideas have a great deal in common. Both insist that individuals are entitled to be given reasons for the coercive actions they face; both treat individuals as reason-giving entities, capable of being motivated by moral considerations. As such, it might be thought that reciprocity is best understood as a way of respecting individuals, rather than simply as a tool for the attainment of stability. This would suggest, I think, that the idea of reciprocity itself is best understood in terms of moral agency and respect for individual political rights. Why, after all, do we care about reciprocity if we do not care about the giving of reasons to individual agents? This linkage means, in the end, that political liberalism should regard its relationship to the political values of liberal equality as more than a marriage of convenience.

The second reason to think that these values might transcend the status of useful convention stems from the ways in which these values are held by those who endorse them. Rawls argues that these ideas ought to be understood as implicit in the public political culture of a democratic state – and, therefore, that they can have no purchase in contexts in which they are not widespread and already agreed-upon. The difficulty here

is that these political beliefs are generally understood by those who hold them as applicable to persons more generally, rather than simply to those persons living around here. The fact that these ideas are implicit in our culture and not – say – in a foreign culture does not mean that we do not hold the values to be applicable to the members of that culture.<sup>7</sup> As such, it seems to do more justice to the ways in which these values are held to think that they are regarded *by* the public culture as important for reasons *other than* the fact that they are part of the public culture. This suggests, in the end, that these values ought to be regarded important in their own right, even as their applicability is restricted to the domain of the political.

All this, I think, makes it plausible that a political liberal can continue to regard themselves as a political liberal even while regarding the political conception of justice as in some strong sense epistemically favored. In doing this, it is possible for the political liberal to develop a program of international agency which depends upon that political conception of justice, regarding it as the central moral framework for the analysis of foreign policy, while rejecting the demand for international agreement Rawls's own Law of Peoples would entail. I have not yet even sketched such a program, but I think we can identify some of its contours. It would certainly imply a moral concern for the political status of all individuals, whether at home or abroad. All individuals, on this analysis, are entitled – subject to the constraints discussed below – to certain guarantees of political voice and political respect. This demand, moreover, could usefully be exploited to generate certain more specific human rights, include the right to such all-purpose means

---

<sup>7</sup> See, for instance, the Abd of Mauritania, who are hereditary slaves systematically educated to regard themselves as slaves. Such individuals, I think, have moral claims derived from liberalism, even if the Abd themselves would reject the moral basis of such claims.

and liberties necessary for democratic citizenship. These conclusions would emerge, in the end, from a political liberalism which ranges abroad while remaining distinctively political. It would not give individuals at home the same package of rights as individuals abroad; each state has distinct moral duties to guarantee the rights and statuses of the citizens within its coercive jurisdiction. But each state would also have a corresponding duty to ensure that other states comply with their duties to provide such goods. In this manner, I think, an international political liberalism might be developed which consistently defends the rights of all individuals, both at home and abroad.

There are some attractive features to this sort of liberalism. It allows us, I think, to make sense of why we value notions such as reciprocity and diversity in the manners we do. We value reciprocity, on this analysis, only because and to the degree that it is a means by which political decisions might be justified to individual moral agents. We value diversity, moreover, only insofar as this is a means by which we might value individual moral agents.<sup>8</sup> This methodology, moreover, allows us to be ethically consistent, in an important way. Liberalism tends to be hesitant to endorse birthright advantage and feudal privilege; allowing individuals born abroad to be governed by non-representative regimes, however, tends to look uncomfortably like allowing birthright advantage back into the core of liberal thought. The present methodology, however, guarantees all individuals equal political status – while admitting, nonetheless, that each state has a distinctive political relationship to its own citizens.

---

<sup>8</sup> I will not discuss this much in the present context, but I think this may be a good explanation for why we tend to worry about cultural disrespect and marginalization. We care not because the groups themselves are valuable, but because disrespect for such groups sometimes counts as disrespect towards individuals.

What is unattractive about this vision, however, is more or less everything else. There are a number of worries here – worries which might be felt sufficient to motivate Rawls's decision to avoid this sort of extension of his own liberalism. The worries we have come in many varieties, but include at least two broad families of worry. The first is a set of worries about the relationships between cultures – especially when these cultures are backed by states of distinctly unequal power. It includes moral notions such as cultural imperialism and insensitivity; it includes more political worries such as the possibility of excessive and widespread intervention in weaker foreign societies. The second set of worries is more institutional, and argues that no practical or attractive view of international legal institutions is possible on this picture. One of these worries looks to international law itself: since the task of international liberalism is no longer the development of an ideal form of international institutional regime, but the guidance of a single state, the authority of international law might be corroded. The latter institutional worry relates to the concept of international human rights, and argues that no plausible or useful account of international human rights could be derived from a theory on which all liberal rights are made internationally valid. The task of the next two sections of this paper is to develop modifications and constraints on what has been discussed above, with a view towards making these worries less urgent than they might otherwise be.

## **II. Intervention and Imperialism**

Rawls cites, as justification for his Law of Peoples, the fear of widespread intervention in the name of liberal rights. This worry, I think, is one most of us share.

We want, I think, to constrain the ability and authority of a liberal state to intervene in illiberal states in the name of comparatively minor deviations from justice. Given the facts of military intervention – it is violent, chaotic, likely to lead to resentment, and potentially susceptible to political capture and mission creep – we have every reason to think that military intervention should be limited to only the worst cases of injustice.

There are, however, at least two strategies by which this general worry might be staved off in our political philosophy. The first is to discourage liberal adventurism in the name of tolerance, by insisting – with Rawls – that foreign illiberal communities have normative status and rights such that liberal states cannot cross their borders. We might then design international legal institutions such that such border crossings are morally and legally prohibited. The second, however, is to rely upon more modest and local moral arguments in the task of restricting intervention. If these arguments are successful, then it might be the case that an international liberalism of equality does not give its practitioners a blank check for foreign intervention. We could, through such arguments, give good reasons to liberal states to avoid widespread intervention in the name of liberalism. Are such moral arguments available?

I think they are, and may be found in abundance. I have discussed one category of reasons – prudential reasons – elsewhere.<sup>9</sup> The simple fact that military intervention is violent and unpredictable means that we have good reason to avoid its use in all but the worst cases. We have reason to develop a set of specific rights whose violation is sufficient to justify military intervention, and to make this set fairly minimalistic in nature. This might be defended, however, not with reference to such abstract notions as

---

<sup>9</sup> M. Blake, “Reciprocity, stability, and intervention.”



toleration of peoples, but instead with reference to the prudential calculations that prohibit interventions in comparatively minor injustices.

What I want to explore in the second context are a distinct category of reasons, which might be described as the derived from a conception of theoretical modesty. We have reason, I think, to regard ourselves as limited in the extent to which we have the final and true answer as to what liberalism demands. We have reason, therefore, to develop a restricted set of notions guiding our military interventions abroad; not all deviations from liberal rights will be sufficient to justify military intervention.

To see this, we may look briefly at Rawls's own notion of the burdens of judgment.<sup>10</sup> Rawls uses this concept domestically to explain the persistence of reasonable disagreement, and to motivate to all parties why the comprehensive doctrines opposing their own are mistaken in manner deserving of respect. Rawls is careful, here, to avoid relativism. Reasonable parties do not have to regard those who disagree with them as anything other than mistaken. But they are duty bound to regard the errors of their opponents as errors of a particular character, so that even these errors deserve respect.<sup>11</sup> When looking at competing accounts of value, then, we are called upon to recognize such factors as the inherent vagueness of normative concepts, the inability to easily decide upon weights for competing values, and so on. The result of all this, suggests Rawls, is a distinct attitude towards views other than one's own – an attitude which seeks to treat the adherents of even the mistaken views with principled respect.

How might the burdens of judgment be applied internationally? Although Rawls does not discuss the issue in very explicit terms, he indicates that this concept should be

---

<sup>10</sup> Rawls, *Political Liberalism*, 54-58.

<sup>11</sup> Compare, here, Vatican II and the traditional Catholic axiom: "error has no rights."

applied to liberalism itself, so that liberal states regard the illiberal policies of illiberal states as wrong but deserving of respect. This is not, however, the only – or the most attractive – use of such a concept. The concept itself might be viewed as part of the liberal project of respecting individual moral agency; if this is right, then it would be inappropriate for us to regard illiberal political actions abroad with the same attitude of openness and understanding we ought to bring to individual moral deliberation. We might, instead, apply these notions to the *interpretation* of liberalism. The factors cited by Rawls – vagueness, lack of intersubjective agreement, and so on – apply with great force to the philosophical project of specifying the demands of liberal politics. Thus, I think, it might be appropriate for us to regard the burdens of judgment as legitimately applicable to the concept of liberalism itself – including the political conception that might guide our foreign policy.

What does this mean, exactly? At the very least, I think, it means that we will have to distinguish between forms of illiberal policy. Some such policies might be thought illiberal, and thus politically illegitimate, but legitimate on *some* plausible interpretation of liberalism. Other policies might be thought politically malign to such a degree that no plausible liberal theory could justify their use. Put more simply, this methodology implies a restricted account of human rights. While we have no reason to regard our own interpretation of liberal politics as wrong, we have principled reason to regard those states who disagree with us *on the interpretation of liberalism* as worthy of certain forms of respect. There are some norms, however, which must be taken as read within any plausible account of liberal politics – indeed, their absence from that account would be taken as a reason to regard the theory as illiberal. We have, in the end, reason to regard

only a limited subset of liberal norms as giving us license to violently cross borders in the name of human rights.

This, I think, makes one potential worry about the international liberalism of equality less powerful. At the very least, there is less of a worry here that a liberalism must of necessity be violently interventionist once it is convinced that liberalism is uniquely valid as a philosophy of government. This does not, of course, eliminate all related worries. In the remainder of this section, I will deal with only one such worry, which stems from our shared horror of imperialism.

One version of this worry is equivalent to the worry discussed above, and can be ignored here. Another version, however, looks to the more amorphous idea of cultural imperialism or disrespect, and argues that to allow states to act in the name of liberalism abroad is necessarily to license disrespect for marginalized traditions, in the name of powerful Western states. Intervention, after all, is always a phenomenon from core to periphery; while Grenada might legitimately worry about intervention from the US, the US has comparatively little to fear from the Grenadan military.

One way of answering this worry is to repeat the answer given above; a general posture of philosophical modesty is an appropriate addition to an international liberalism of equality. A fuller account, however, might begin with a simple question: what's wrong with imperialism? The answer, we think, is, is not a single thing, but a pattern of human evils demonstrated throughout the history of the colonial period. But the most key evil, perhaps, is the denial of moral equality between the colonized and the colonizer. All the historical atrocities associated with empire would not have been possible without the denigration of moral equality contained in the idea that one state could legitimately

hold foreign colonies. If this is true, then insisting upon moral equality itself might be a rather less worrying form of imperialism than most. This is true, especially, if we imagine a chastened and modest liberal imperialism, insisting upon the rights of foreign citizens against their own governments. While empire has been the source of much human misery, it is hard to imagine this present scenario as equivalently evil.

The real worry, I think, is in the concern felt for indigenous moral traditions. In this, we often imagine that liberal imperialism has a confidence in the truth of its own principles, and is concerned to export one particular variety of liberalism – at the point of a gun, if need be. This picture imagines a liberalism that refuses to listen to – let alone learn from – the moral traditions of the indigenous population. This picture, however, inadequately represents what duties are incumbent upon the liberal political agent concerned to foster and promote democracy abroad. As described above, the liberal agent must be aware that no single vision of liberalism can be expected to gain universal acceptance within his own cultural tradition – let alone in a conversation across cultural boundaries. What I have defended here is the legitimacy of a foreign policy guided by a concern for democratic liberties; I have not defended the misuse of such ideas by morally flawed political agents.

This response, however, only goes part of the way. The problem persists, we think, with what might be called principled illiberalism. We imagine, here, that a given culture or society has a consensus on a particular mode of political life, and that this mode is distinct from liberalism. To insist upon liberal governance, on this account, would be in the end to insist upon the falsity of a widespread and sincerely held moral view. It would be – that is – deeply illiberal.

This picture, however, is at best a partial truth. There are two reasons, I think, why this should be so. The first is that there are certain liberal ideas for which we are willing, as it were, to fight. There is, in other words, a line past which even sincerity will not save you. While liberals should not be willing to intervene abroad for comparative trifles, as discussed above, they ought to be more than willing to declare the validity of their core commitments. As such, even sincere disagreement will not be enough to refute the possibility of legitimate coercive action. The second reason, however, goes to the largely false vision of culture contained above. We tend to think of foreign cultures as monolithic wholes, each with an internally consistent set of principles agreed to by all or most citizens. In fact, a moment's reflection will tell us that there is unlikely ever to be such a creature in real life. The culture of the United States, for instance, includes both Noam Chomsky and Pat Buchanan, the Green Party and Fox News. Any statement about the values of the United States, then, is likely only a statement about a particular subgroup of citizens, not the nation as a whole. What is true of our culture, I suggest, is equally true of foreign cultures. Amartya Sen has recently given us some strong reason to think that even the most nominally illiberal cultures contain within themselves democratic norms, traditions, and citizens – and, of course, their opposites. So why, from the outside, may a liberal state not legitimately argue that the former is better than the latter? Liberalism need not be neutral as regards its own validity in order to understand itself as tolerant.

Nothing I have said here, to repeat, licenses military adventurism in the name of liberal rights. There must be a core group of rights we enshrine in international law, and only the violation of such rights is sufficient to legitimate military action. But I believe

that the moral constraints on foreign policy go beyond international human rights, traditionally conceived. Much of what a state does consists not in military action, but in more subtle forms of international influence, including diplomacy, trade negotiation, NGO participation, and the like. These actions, while underexplored by political philosophy, are enormously powerful – and, I suggest, may be legitimately guided by a concern for the liberal rights of all. While warfare in the name of democracy is morally illegitimate, diplomacy in the name of democracy seems less obviously wrong. To explain this, however, it is necessary to give an account of international human rights and international law; and it is to this task that I now turn.

### **III. International Law and Human Rights**

If international human rights are to be meaningful, they must be limited; rights inflation – in which all desirable political outcomes are declared as rights – tends to devalue the currency of human rights in contemporary political discourse. This much, I think, we must accept. This has tended to mean that international human rights are not taken to be co-extensive with the set of rights ascribed to citizens in a liberal state. A more restrictive set of rights, leaving out some liberal guarantees, is thus necessary. This might be thought to be a problem for the liberal program I have here discussed, given that it ascribes the whole panoply of liberal rights to all individual agents. All individuals, that is, are entitled to have the political coercion they face justified to them through reasons they could not reasonably reject. If this is true, does the notion of human rights not disappear?

The answer is, I think, a qualified no – so long as we are clear what we want a doctrine of human rights to do. The first thing to note, here, is that a right does not by itself determine what responses are appropriate in their defense. I may, for instance, have a right to walk through the quad path on my way to class. If someone is illegitimately blocking the path, however, I have no right to use violent force to remove them – even if such force is the only means by which I could effectively clear the path while getting to my class on time. This does not, I think, mean I have no right to use the path; it means simply that the remedies available at present do not suffice to enable me to take advantage of that right. Similarly, I think, there may be some things best conceived of human rights in the broad sense – rights applicable to all humans, regardless of citizenship – which are simply not of sufficient gravity to license violent force in their defense. These rights do not thereby cease to exist; they persist as standing demands upon the moral exercise of the soft power exercises of a liberal state. This contradicts, I think, the widespread contention that human rights are merely aspirational in the absence of any institutional framework guaranteeing their fulfillment. There are some things we ought to think of as human rights whose fulfillment can only be achieved over time, and only by the discretionary and non-coercive actions of liberal governments.

This suggests, I think, that human rights are best conceived of as a two-tiered concept. The core of this concept includes these rights conventionally called human rights. They are, we think, those rights sufficient to legitimate the potential use of violence. If what I have said here is correct, then we may enshrine in this core those rights from which liberals can brook no abrogation. These rights, I think, may be the rights we seek to enshrine in international law. They are potentially uncontroversial

enough that most of the world's governments might be able to accept the legitimacy of these demands; this is, however, an empirical proposition, and in the end the content of our legal guarantees will inevitably be the result of political negotiation and diplomacy. The broader concept of human rights, in contrast, includes all those liberal rights the political liberalism I defend here would give to foreign citizens. These rights, while they cannot be linked to the use of force, are nonetheless mandatory as a normative framework for foreign policy. They are not aspirational; they are normative guides that exist as standing moral constraints on legitimate government action. While they are – and should be considered – the rights of individuals, the duties of foreign states to provide these rights may be legitimately limited to the exercises of soft power described above.

There is, however, one final wrinkle here to be explored – the nature of international law under the political philosophy here discussed. Given that the theory I endorse here intends itself as a guide to liberal foreign policy, rather than as the basis for international law, it might be thought that this approach does not pay adequate attention to the moral authority of international legal institutions. On competing approaches – such as Rawls's own – the authority of international legal institutions is established by grounding them directly upon moral notions such as reciprocity. Does the approach recommended here unduly diminish the moral status of international law?

The answer, I suspect, is that the moral status of international law stands in need of considerable deflation. I cannot fully defend this proposition here, but I suspect that we have good reason to regard the dictates of international law as having considerably very little authority – much less authority, to be certain, than the principles and statutes of domestic law. There are, I think, at least two reasons for this. The first is that the sources



of international law make it more appropriate to see such law as having instrumental value in the project of creating justice, rather than as an independently authoritative set of political institutions. These sources of law include international covenants, the settled practices of states, and the writings of eminent scholars. As such, it might be best to think of international law as having very little of the authority we give to domestic law. Domestic law, after all, gains its authority in large part from the process leading to its creation; the democratic practices of cooperation and negotiation leading to the legitimate interpretation of law as a collective project. International law, in contrast, seems to have very little procedural justification. We may overstate the moral centrality of international law by regarding it as morally akin to domestic law. Principles which undermine the moral status of international law, therefore, might not be nearly so problematic as we think.<sup>12</sup>

The second reason looks to the necessity of lawbreaking for legal progress.<sup>13</sup> Since the practices of states are themselves sources of international law, principled deviation from the law can actually change international law. As such, states may have an obligation to break the law, where that would improve the content of law. This suggests, I think, that the relationship between international law and the moral duties of states may be considerably more complex than we tend to believe. We may, in the end, need to

---

<sup>12</sup> It is of course open to a defender of international law to argue that while this applies to international law it is, it does not apply to international law as it might be – if this law were backed by a moral theory such as Rawls's Law of Peoples. I disagree with this proposition, naturally, for the reasons discussed above – but also because I believe international legal norms will inevitably privilege political elites over marginalized and dispossessed citizens. This fact, I think, applies even to Rawls's idealized picture of international legal norms subject to reciprocal agreement between peoples. I cannot, however, adequately defend this belief at present.

<sup>13</sup> See Allan Buchanan, "From Nuremberg to Kosovo: The Morality of Illegal International Legal Reform."

regard the current norms of international law – such as the guarantee of state self-determination – as less sacred, so as to establish the legal status of other norms, such as the right to democratic governance.<sup>14</sup>

In the end, I suggest, we may have reason to regard international law as a tool, like any other, for the establishment of justice. This, I think, does not so much diminish the importance of international law, as place it in its proper context.

Much more needs to be said about the concept of international law, of course, for these ideas to be fully defended. I will be happy at present with a more moderate set of claims. What I have argued for at present is simply that political liberals have no good reason to refuse to rely upon their political convictions as guides to their foreign policy. Rather than seeking a principled agreement with illiberal communities, liberals have good reason to regard their own liberal commitments as valid guides to foreign policy. While this project may require considerable cultural sensitivity and moral discretion, it does not conflict with the core values of political liberalism itself. In the end, indeed, such an extension of political liberalism may represent the best means by which we might understand what liberal states ought to do in the world of international politics.

---

<sup>14</sup> See Thomas Franck, “The Emerging Right to Democratic Governance.” David Miller, in *National Responsibility and Global Justice* (forthcoming), also notes how this right stands in tension with the rights of self-determining communities.