

Beyond Democracy Promotion: Kant, Rawls, and a Liberal Alternative

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Abstract. This article argues for a more radical philosophical approach to the problems of democracy promotion, one which is grounded in John Rawls' view of international politics. His circumspect, Kantian perspective contrasts with other attempts to justify an adventurist, interventionist foreign policy, also sometimes labelled as Kantian. With respect to democracy promotion, Rawls' view contrasts significantly with a reformist 'critical' perspective, and suggests we should move beyond this policy paradigm entirely. Indeed, it is claimed this Kantian perspective offers a robust alternative liberal narrative, which takes tolerance and recognition of non-democratic 'decency' as a more apt starting point for Western foreign policy. This is a gradualist philosophical perspective that potentially encourages greater international security, more stable development – and possibly more democratization in the long term.

Key words: democracy promotion, Kant, Rawls, decent peoples.

Over the previous three decades democracy promotion has become a cornerstone of Western foreign policy. It has dovetailed in a forceful way with the state-building agenda that was given new legitimacy following 9/11. Subsequently, attempts to intervene in order to create more secure institutions in weak and failed states became far more salient as a security issue, and not just as a concern in the field of development. This paper will focus on underlying philosophical narratives that have emerged during this period, concentrating specifically on the significant influence of Kant's thought. The particular aim is to elucidate John Rawls' thinking in this area, inspired by his interpretation of Kant's *Toward Perpetual Peace*, and the key claim is that it offers a robust alternative to a policy paradigm that has had its legitimacy slowly eroded.

The paper begins with a section on the emergence and problematization of the democracy promotion agenda, in particular against the backdrop of Kant's increasing influence in the field of International Relations. I present this problematization with reference to Chris Lazarus's threefold critique (2014), and its focus on the overreach of the democracy promotion paradigm. In presenting Lazarus's argument, which calls for a critical reformation of the democracy promotion project, I pay specific attention to the key tenets of **principle**, **security** and **development**, particularly as these later provide a useful heuristic for assessing Rawls' approach. I also set out Lazarus's critique with reference to the philosophical justification for the project of democracy promotion, derived in some instances from a particularly hawkish liberal interpretation of Kant's thought. It is notable that Kant has been cited by some in this way, particularly as part of the public justificatory framework for the development of these policies (signified most pertinently by those who mobilized aspects of his work in order to justify the Iraq War). Having set out Lazarus's critique of democracy promotion and elucidated its grounding

in one possible (albeit controversial) interpretation of Kant, I then turn to opposing readings of Kant, specifically Alyssa Bernstein, in order to demonstrate how other less hawkish interpretations provide a convincing counterpoint.¹

This sets the scene for the bulk of the paper, which will then turn to Rawls and his *Law of Peoples* (1999) to provide an account of an alternative Kantian framework relevant to democracy promotion, grounded in a gradualist, circumspect perspective. The foundations of this Rawlsian perspective on democracy promotion will be articulated with reference to the three key tenets as described by Lazarus. Specifically, it will be argued that a Rawlsian alternative presents strong claims with regard to all three tenets: 1) **democracy** as a guiding principle for international affairs should be replaced by the concept of *decency* 2) **security** in the international realm is best achieved through non-intervention rather than ‘gun-barrel’ democracy promotion 3) sustainable **development** in the global south is more likely achieved *without* external intervention demanding democracy promotion. Rawls’ ambition of a worldwide society of peoples is for moral and practical reasons best left to the internal reform and democratization of states, rather than enforcement through democracy promotion.

Rather than offer a critical response along the same lines as Lazarus, therefore, Rawls’ Kantianism provides us with an alternative liberal discourse on democracy promotion: one which seeks not to reform this policy paradigm, but to rather more radically argue it should be discontinued.

I. PROBLEMATIZING DEMOCRACY PROMOTION AND KANT THE HAWK

The promotion of political development abroad is not necessarily a recent phenomenon in foreign policy, at least if one were to consider the context at the end of the Imperial age, the Mandate system and decolonization – and the explicit attempts by Western powers to bring colonies up to the appropriate ‘standard of civilization’ (see Bain 2003). However, democracy promotion specifically has gained major currency as a concept and practice in particular since the 1990s, in the context of the democratization of the former Soviet Bloc and wider ambitions that became extant during this period after the heralding of the victory of liberal capitalism; this was a spirit captured most famously, of course, in Francis Fukuyama’s positing of the ‘End of History’ (1992).

1] I will not engage explicitly with the question of which is the most convincing interpretation. Any attempt to assert the superiority of a more dove-like interpretation of Kant is put to one side given that the key aim is elucidating an alternative perspective on democracy promotion, and given that the case for superiority is analytically separate from asserting the possibility of an alternative Kantian perspective on democracy promotion. Implicitly, however, this type of interpretation is favoured here, and the paper is in this respect aligned with Luigi Caranti’s arguments as set out in his Kantian critique of Democratic Peace Theory (2016). Indeed, this paper seeks to align Rawls more closely with the Kant presented in Caranti’s work, demonstrating that Rawls’ practical views on democracy promotion issue from a dovish interpretation of Kant. For an extensive critique of more hawkish interpretations of Kant and the attempt to interpret him as a Just War theorist, see Howard Williams (2012).

Bound up in the hope for this new age was a new-found moral sense of mission that left little room for scepticism in relation to the goods to be won from promoting democracy, exemplified not only in the more robust attitudes with respect to Western foreign policy. Also significant was the work of authors such as Michael Doyle on the Democratic Peace Theory (1997), inspired by Kant's hypothesis on the pacific tendencies of republican states, and the prevalence of the belief – captured eloquently in Amartya Sen's compendious work *Development as Freedom* (1999) – that the global south could best develop through adopting the norms of democracy.

9/11 and the beginning of the War on Terror was a watershed moment, for in coupling democracy promotion explicitly to the state-building project – and more obviously armed intervention – it became tied in with a realist geopolitics. Democracy promotion became inseparable from what David Chandler described as *Empire in Denial* (2005), as state-building became more and more widespread and invasive in those declared 'weak' and 'failed' states, with Afghanistan and Iraq at the sharp end of this newly calibrated practice. It was no longer a case of facilitating the global south in "getting to Denmark" (Fukuyama 2015, 25) – democracy was going to be foisted upon them through a whole gamut of measures. A backlash was perhaps the inevitable outcome.

Chris Lazarus (2014) indeed pointed to a crisis in democracy promotion, but noted that while the Iraq War may have been hugely significant in its impact on the legitimacy of democracy promotion, the failings were far more widespread and deep-rooted. It is on this assumption that he puts forward his case for reforming the democracy promotion project. A foundational problem, according to Lazarus, lies in the concept of the democracy being promoted, namely a system of *polyarchy* that puts excessive focus on the importance of electoral politics, to the detriment of true engagement with the social and economic aspects that are key constituents of democratic politics. Beyond this problem with what we might term the 'product' being promoted, Lazarus points to the three key tenets of democracy promotion that have been routinely undermined and how this needs to be addressed. They are the **principle** of democratic rule, the **security** engendered through a democratic state, and the **development** that is supposedly encouraged by democratic reform.

In Lazarus's view, the first, moral argument for democracy has become untenable given the manner it is frequently waylaid in the action of Western foreign policy by commercial influences and geo-strategic interests. The second tenet of security, legitimated with reference to the democratic peace theory's claims around the reduction of war, has little currency given the prevailing climate of interventionism and widespread instability in fledgling democracies. Lastly, with respect to the idea of development, the apparently inherent link between democracy and development is as often contradicted as it is realized. Moreover, the success of more authoritarian regimes in securing developmental success – largely measured in economic terms – suggests an alternative model that may be of greater efficiency in meeting the aims of development so defined.

Lazarus asserts that this assessment leads to the conclusion we cannot with any confidence make the claim of a causal link between the democracy promotion of the West and the lasting democratization of the states it has targeted. In fact, he suggests that we saw a backlash both at state level and amongst the population of targeted states. The failings of the project and the spectre of gun-barrel democracy promotion would suggest rethinking the notion in its entirety. Intriguingly however, rather than asking whether it is an ill-conceived project, Lazarus seeks to argue that challenging the hegemonic concept of neo-liberal capitalist polyarchy can arrest the backlash. It requires reform and recalibration, not an entire rethink. In particular, in his view, this can be achieved by seeking to “repoliticize democracy by reembedding politics within the social and economic realms, thereby emphasizing the material basis of individual and collective freedom and justice” (Lazarus 2014, 56). In summary, promoting a more participatory model of democracy, one that engages the wider population in the possibility of creating reform, would open up the possibility of more successful democracy promotion. Change the product, not the practice.

It is notable that Lazarus’s critique should point to some of the widespread issues with the democracy promotion agenda, but in suggesting alternative paths forward, does so whilst remaining faithful to that very same agenda. That is to say, it is a matter of doing it better, as opposed to questioning its legitimacy as a whole. It is still perceived, from this perspective, as the right thing to do and the proper course of action to pursue.

In some respects this reflects the assumed progressive agenda it is coupled with, an agenda characterized in part by an affiliation with a Kantian approach to international politics. Kant has proved an increasingly key figure in both academic and public debate for at least three reasons. Firstly his view of history and the possibility of a future peaceful federation chimed very much with the optimism of the 1990s, and along with Hegel’s philosophy inspired ideas such as Fukuyama’s ‘End of History’ thesis; secondly, his arguments suggesting the likelihood that republican states would avoid war were the basis for the Democratic Peace theory that inspired much of the enthusiasm for democracy promotion during this period; thirdly, and perhaps less explicitly (if not less significantly) Kant’s international political theory as a whole was regarded as a philosophical precursor for the ambitious ideas of cosmopolitanism (Brown 1993) and theorists such as Charles Beitz, Martha Nussbaum and Kok-Chor Tan. They had risen to prominence by the end of the last century and their ideas were influencing the developing intellectual backdrop for understanding World Politics in the age of globalization, and the increasing purchase of Human Rights and the individual’s status, the Responsibility to Protect and a more normatively charged global politics in general.²

In terms of its wider public prevalence, this engagement with Kant and the application of his ideas to international relations reached a certain notoriety with Roger Scruton’s controversial claim that Kant would have argued for the invasion of Iraq

2] See for example Heather Roff (2013).

(2004). Arguments in a similar vein circulated in academic publications such as the work of Fernando Tesón (2003), and this appropriation of Kant for justifying armed intervention can be viewed as the most ‘hawkish’ interpretation of his work, which reflected the desire at the time to be able to legitimize such invasions from a broadly liberal perspective.

These tendencies presented an influential, albeit intuitively questionable application of Kant’s thinking that inevitably prompted debate. Whilst they set out the case for an aggressive form of Kantianism in the international realm, it is significant and central to the arguments of this article that others sought to reflect a more ‘dove-like’ interpretation – one that establishes a philosophical groundwork at odds with a more combative attitude towards democracy promotion. Alyssa Bernstein’s detailed arguments (2008) provide one such example. She makes a strong case for rejecting the characterisation of Kant by interlocutors such as Tesón (although she still wishes to maintain – unlike Thomas Mertens (2007) – that in some very particular circumstances Kant might advocate armed humanitarian intervention).

Much of her discussion hinges upon the interpretation of Preliminary Article 5 in *Toward Perpetual Peace*, “No state shall forcibly interfere in the constitution and governance of another state.” (ZeF, AA 08: 346) Bernstein’s own argument is that this prohibition should be regarded as conditional on state conduct, whilst it also rests upon Kant’s understanding of what constitutes a state. Where there is no state, or its conduct is suspect, and where the duty to establish or protect a rightful condition (i.e. a peaceful federation) holds, there may be a “narrow class of cases” in which intervention is justified, although “pragmatic considerations may rule it out in any given case” (Bernstein 2009, 59).

Bernstein explains that central to the state’s claim to sovereignty and non-intervention is its status as a moral person, capable of free actions and being subject to – and judged by – laws.³ The law, or rather absence thereof, is critical with respect to Kant’s understanding of the state, as it is the measure of whether or not the legislator is able to carry out the function of government (Bernstein 2009, 59): “where law is absent there is no political obligation and no state.” Such a condition is one of barbarism.

Somewhat counterintuitively with regard to the law, she goes on to argue, those who are signatories to the pacific league may leave themselves more open to intervention than non-signatories – as they are party to a public contract that they may violate in a way that those outside the league cannot. Nevertheless, non-signatories that actively undermine the progress of the league “forfeit the state’s natural rights of external sovereignty and non-intervention” (Bernstein 2009, 85). Bernstein argues, moreover, that this extends to

³] For a seminal discussion of the idea of the state as a ‘moral person’ in Kant, see Sharon Byrd (1995). For a recent, detailed debate on the question of the Kantian grounds for a state’s independence see Arthur Ripstein (2021) and Anna Stilz’s response (2021).

those states that are not active in their opposition, but who act in such a way as to retard a rightful international condition. This is to wrong others and their own.

The broad outlines of Bernstein's interpretation of Kant are emulated by Wilson and Monten (2011) who respond with some scepticism to Michael Desch's hawkish interpretation of Kant (2007). Their preoccupation is with undermining the suggestion that Kant somehow justifies the case for regime change, and countering the idea that his belief in the progressive force of a pacific league led him to argue for coercion of states into that league. Another of the more interesting and relevant responses to the interpretation of Kant comes from Burleigh T. Wilkins (2007), who in the same fashion as Bernstein foregrounds the importance of the second preliminary article, where Kant states, "To annex a state, which, like a tree trunk, has its own roots [...] it to annul its existence as a moral person and to treat this moral person as a mere thing." (ZeF, AA 08: 344)

Foregrounding this idea of the state as a person, he developed the Kantian idea of the state as a moral personality in order to suggest that the prohibition of armed intervention presumed by others is actually a more unconditional prohibition of *any* form of intervention. He suggests of Kant's line on the state's moral personality,

I think this is the lynch-pin of his claim that states should not intervene in the affairs of other states. When we think of intervention we often think of military intervention and of wars of conquests, but, as Kant realized, intervention can take a variety of forms, and states may be acquired in a variety of ways [...] in all of these transactions Kant believed the subjects of a state are used or misused as objects to be manipulated at will [...] it is not too much of a stretch to suggest that for Kant a state conceived of as a rational being is an organized collective with its own decision-making procedure, and that the freedom of such a collective consists in part in its capacity to act according to the decisions it has made. (Wilkins 2007, 150-51)

The line that Kant would argue against any form of behaviour that attempted to influence the policy of another state is one that will be of particular relevance in assessing Rawls' latter-day interpretation of the *foedus pacificum* and policies towards nondemocratic people. In seeking to emulate Kant, it is fair to suggest that Rawls' interpretation and ideals are ones that cohere with Wilkins' views, including the need to ensure extensive positive freedom for states: "When Kant wrote of a federation of free states he meant a federation of states free from the compulsion or coercion of other states which might seek to force them to adopt a more extended lawful constitution in keeping with their ideas of right." (Wilkins 2007, 155-56)

A brief foray, therefore, into some of the secondary literature on Kant demonstrates the relative ease with which a more dove-like perspective can emerge: one which opposes war and denies claims to justness, which regards legitimacy residing only in self-defence and the aim of a lasting peace, which will countenance intervention only in lawless territories. It is also a perspective that encourages the prospect of non-republican states becoming part of a pacific league but rules out coercion into that league. Regime

change is therefore necessarily ruled out in this instance, as states are conceived as moral personalities where any attempt to influence policy is prohibited.

In contrast to more recent foreign policy undertaken in the name of democracy promotion, this has the makings of a very different view of international relations and the potential of a path towards perpetual peace. It is in general terms a perspective that also posits far greater importance in the integrity of the state as the locus of the legal order than modern cosmopolitans. In fact, one might go so far as to say that there is a wholesale rejection of democracy promotion implicit in this interpretation of Kant.

In the main body of the paper, I will look at how Rawls' rendition of the Kantian project is indeed along these interpretive lines. I will argue that it offers a contemporary Kantianism that stands in contrast to the prevailing tendencies within the liberal international discourse over the last three decades, advocating the centrality of the state, the circumspect deployment of force, and refraining from other forms of intervention. In fact, it is suggested that this is a radical departure from the democracy promotion paradigm, and that it proposes a far more fundamental challenge than the likes of Lazarus – looking beyond democracy promotion, towards other policy possibilities.

II. A GRADUALIST KANTIAN FOREIGN POLICY

As a dominant figure in liberal thought, John Rawls might be considered an unlikely source for a more fundamental, radical response to the democracy promotion crisis – yet in basic terms he rejects its moral legitimacy and assumed efficacy. His Kantian perspective suggests rather than trying to reform the project, we should look again at the underlying assumptions, and question foreign interventionism on a fundamental moral basis. Instead of assuming that promoting democracy is the effective long-term normative approach, he outlines instead a perspective that elucidates a concept of 'decency' rather than democracy as the baseline goal of foreign policy and asserts that promoting the development of such 'decent' institutions should cleave to pre-existing indigenous institutions, practices and values rather than a prescriptive democratic ideal. This, I claim, represents an important and currently novel challenge to the customary liberal narratives, and constitutes a different approach to the disappointment of democracy promotion. Moreover, for those committed to the democratization project, it is in fact more likely in the longer term through a gradualist, non-interventionist Kantianism.

Rawls' ideas are analysed here with reference to the aforementioned key tenets of democracy promotion as discussed by Lazarus, weighing up how Rawls' approach suggests we might approach the issues of principle, security and development. The aim is to work through Rawls' general perspective and first elucidate its implications for grounding principles (namely arguing for the principle of decency, not **democracy**); then set out the circumspect approach it suggests with regard to key **security** issues such as armed intervention; and lastly articulate the alternative form of **development** it advocates. I aim to draw out the main contrasts with the key tenets of the dominant democracy

promotion narrative, suggesting the originality and moral efficacy of this alternative liberal narrative.

Rawls' Law of Peoples

Rawls' definitive account of his international theory is not particularly noted for its warm reception amongst political theory and IR scholars. It has been assailed from a cosmopolitan perspective because of its alleged acquiescence to the status quo and preoccupation with realist concerns (Buchanan 2000), whilst it has been condemned from the pluralist and realist perspectives for its unremitting cosmopolitanism (Jackson 2005). This is perhaps inevitable, given that, as Catherine Audard (2007) set out with admirable clarity, Rawls' ambition is to steer a course between the two. Despite the fierce criticisms, a handful of significant publications saw merit in the work and substantial philosophical content that demanded sustained consideration (Brown 2002). Of late there has been an increasing willingness to consider the implications of Rawls' perspective for specific issues in international politics, and to take seriously his invocation that the Law of Peoples should be regarded as much as the working out of ideals and principles for liberal foreign policy (Rawls 1999, 10). Whilst he emphasises the content is "developed out of a liberal idea of justice similar to, but more general than, the idea I called *justice as fairness* in *A Theory of Justice*" (Rawls 1999, 3-4), the explicit practical orientation of the work is a noticeable contrast to the less applied focus of his previous works. This may in part stem from the need in the international context to grapple extensively with the non-ideal theory issue of realizing the basic structures described – where in the domestic context the discussion can be focused almost entirely on how those structures should be organised, as they are to a large extent established.

Grasping the Kantian basics of Rawls' international theory is important so that we both understand and appreciate the philosophical provenance of the ideals and principles, whilst being able to grasp the broader thrust of the work that informs the view he takes on the relationship with non-democratic states (or to use Rawlsian parlance, *non-liberal* or *decent peoples*).⁴ In terms of Rawls' oeuvre, the tendency amongst his critics has been to regard *The Law of Peoples* as a sorry third in his series of books – a poorly constructed afterthought on international politics that is philosophically inconsistent with his earlier work. Both Audard and Percy Lehning (2011) have been successful in debunking this myth by demonstrating how it can be considered as the completion of Rawls' political theory.

An analogy with Kant's political philosophy perhaps best captures the thrust of *The Law of Peoples* and its relation to the rest of Rawls oeuvre: individual right according to Kant ultimately requires a peaceful federation of republican states, because without this assurance it cannot be said to be secured. In the same manner, the conditions for

4] The interpretation of Rawls' work presented here is grounded in previous analyses of *The Law of Peoples*; see for example Williams (2011, 2014).

a stable liberal democratic state and an individual worthwhile life cannot be said to obtain from Rawls' point of view, without a peaceful and stable Society of Peoples free from external threat. In general, it should always be remembered that Rawls' vision owes a large debt to Kant, and his view of what a Kantian outlook on international politics entails: one that values a commitment to gradualism, circumspection and respect with regard to other political communities, and peace – peace above all. Indeed, Rawls states in his introduction to the book that his “basic idea is to follow Kant's lead as sketched by him in *Perpetual Peace* and his idea of *foedus pacificum*” (1999, 10). More specifically, his approach entirely “accords with Kant's idea that a constitutional regime must establish an effective Law of Peoples in order to realize fully the freedom of its citizens” (1999, 10).

The Law of Peoples should also be regarded as an extension of Rawls' political theory when viewed from the point of view of his methodology. That is to say, what is fundamental to his approach both with regard to the domestic and international realms is that he is seeking a theory in reflective equilibrium. That his approach is dictated by this method (1999 58, 86n) often seems to be overlooked by those critical of the volume, but an acknowledgement of this philosophical grounding does much to elucidate both the consistencies and development in Rawls' international theory. In short, Rawls is of the opinion that any moral theory should be in reflective equilibrium, whereby its principles reflect, elucidate and test our considered judgements. Where there is dissonance this illuminates the need either to re-evaluate these judgements or to recalibrate the principles themselves. The classic analogy is that of the relationship between everyday use of language and the rules of grammar (Rawls 1999b, 9).

This equilibrium is implicitly a requirement of his theory of international justice, and accounts to a large degree for the cosmopolitan accusation that he cleaves to the status quo by beginning with a moral account of a society of states. Rawls cannot in this regard be flatly accused of philosophical incoherence in terms of his methodology,⁵ and his approach lies at the heart of an account of international politics that begins with the here and now, and attempts to piece together a moral vision of the emergent values of the international public political culture. In this sense, it is not unhelpful to think of Rawls as providing a more normatively charged version of the solidarist view of International Relations.

The construct Rawls uses to achieve this equilibrium is the same in his international theory as it is in his domestic theory – the famous original position. This is a natural step given that Rawls intention is to aspire to an international equivalent of *justice as fairness*, which regards the value of impartiality, so central to his domestic perspective, as being important to the foundational principles of international society (and is reflected in representatives' lack of knowledge of some of their society's core characteristics, behind the veil of ignorance (1999, 32-33)). This entails the adaptation of the social contract

5] Although Thomas Pogge raises such issues extensively (2006).

to the society of states, which constitutes both a rejection of the realist view in the assumption that anarchy does not characterise the international realm, whilst rejecting cosmopolitanism by positing the agents in the original position as representatives of peoples' interests, not those of *individual* persons. Moreover, Rawls' concept of a people (1999, 23-30) is a heavily normative version of the modern nation-state, emphasising their moral nature and capacity for reciprocity, whilst contrasting them with the traditional realist view of the state. This both signifies Rawls' commitment to the idea of peoples as moral persons capable of moral learning over time, and his commitment also to the importance of states (or peoples in his terms), their ongoing integrity, and their position as the locus of the international legal order. These are ideas that suggest on Rawls' part a Kantianism that is in contrast to the emphasis on individual rights found in the more hawkish cosmopolitanism of Tesón and others.

The contractors in the first international original position represent the interest of *liberal* peoples, and they are denied knowledge of key facets such as the size, wealth and population of their societies, and any other properties that might allow them to skew the principles in favour of their own people. Rawls' view is that they agree on eight principles that represent settled norms in international politics.⁶ Having set out the principles liberal peoples would agree upon, Rawls postulates an additional original position, this time including representatives of the remaining well-ordered, peaceable, but non-liberal peoples. It is Rawls' central claim that for his international theory to maintain a fully liberal nature, then it must be the case that its key tenets can be seen to be acceptable from a non-liberal point of view. If it is not the case that the representatives in this second original position can approve these principles then they go against the core value of political liberalism, namely toleration. In the domestic case, those who do not subscribe to a liberal comprehensive doctrine must be able to agree to the principles of political liberalism otherwise they fall short of this principle. Analogously, in the international case, peoples that do not hold to a politically liberal conception of domestic politics must be able to agree to international principles of political liberalism on their own terms. This step in Rawls' argumentation can in broad terms be regarded as emulating Kant's own advocacy of expanding the federative union to "thereby secure the condition of peace" (ZeF, AA 08: 356).

In the next section we will see in more detail what exactly typifies these societies and the principle of decency, and how it is that Rawls believes societies that do not hold to the same political conception of justice can be regarded as equal and meriting reciprocity. There are other non-liberal societies, however, which Rawls believes cannot be included in the initial contract stage, for varying reasons. One group he describes as *Benevolent Absolutisms*, which are typified by a regime that, despite ensuring security and fulfilment of urgent individual rights, deny their population any voice or participation

[6] It should be noted that Rawls does not regard this list as final, and he notes that principles for regulating economic relations would be an expected addition (1999, 43).

in the political process. These societies are peaceable and do not constitute a threat, but the sense in which they fail to represent a well-ordered, collective moral entity through some form of representation renders their status as one of outsiders with regard to the Society of Peoples; in Kantian terms one might say that this lack of consultation with subjects undermines any claim to a moral personality on behalf of the state – yet their treatment of their subjects does not entail any cause for concern around intervention.

Outlaw States, as the name suggests, are fundamentally different in that they are expansionist and represent a clear and present threat to the peace. They are typified by a political regime that rejects the reasonable demands of the Law of Peoples and have no wish to comply to its principles. They forego any opportunity to be part of the contract and must be dealt with in a circumspect and careful manner. On the basis of his description in *The Doctrine of Right* one might draw a parallel with Kant's unjust enemy, "whose publicly declared will [...] betrays a maxim which, if it were made into a general rule, would make peace among the peoples impossible" (2006, 144).⁷ There is also the suggestion from Rawls that states that perpetually violate the rights of their citizens, whilst not representing any external threat, might be placed in the same category, but these differences and the appropriate response will be grappled with later in the paper. Lastly there are *burdened societies*, which demonstrate a desire to be fully-fledged members of the Society of Peoples, but are unable to secure worthwhile lives for their citizens because of any number of reasons relating to a lack of capability (a clear Kantian analogy is less obvious in this case, although given Bernstein's reasoning, one might suppose these are states that invite intervention due to the inability to secure the rights of all their citizens).

In setting out the broad approach of Rawls' philosophy of international politics, the nature of the Kantian influence becomes clear, specifically in his clear statement on the importance of *Towards Perpetual Peace* and some basic features of his vision for a Society of Peoples. In particular, the emphasis on peoples, and their internal structures and moral personality as the primary moral agents of international society invoke the earlier interpretations of Kant. These will be underlying themes as we articulate the approach to democracy promotion that is implicit in Rawls' *Law of Peoples*. In the next section there is a discussion of decency and decent peoples that puts in question the idea of democracy as an organising **principle** of the international order. We will then turn to the issues of the relationship between liberal peoples and non-liberal peoples (with respect to the issue of the 'decency' principle and elements of **security**), outlaw states (in explicit relations to the **security** issues around armed intervention) and burdened societies (with respect to the issue of **development**). This should elucidate what I argue is a notable Kantian alternative to liberal states' policy of democracy promotion.

7] Interestingly, whilst Kant makes the point that an unjust enemy is a pleonasm (RL, AA 06: 350) in the state of nature, arguably in the Rawlsian reasonable utopia an outlaw state might be reasonably described as unjust, given the existence of a Society of Peoples where right exists, and which it threatens.

Defending 'Decency'

As limited and ultimately inadequate the foregoing sketch of the Law of Peoples is, it suffices in drawing out some key features of Rawls' international theory. It is within this context we must elaborate further on why it is Rawls accepts the idea of a pluralist world order, one that demands that non-liberal peoples of a certain character should be treated equally on moral grounds, as a matter of basic justice. In effect, in elucidating this moral argument Rawls is dismissing the first key tenet that Lazarus identifies with respect to democracy promotion: namely the principle of democratic rule itself. Rather than demand the principle of democratic rule for all states (whilst undermining the principle routinely in practice) Rawls is effectively suggesting we question this basic principle, and accept that there is a normatively compelling case for respecting other forms of political order. Rawls goes into some detail in Part II of *The Law of Peoples* in drawing out the exact characteristics of decent peoples, but it suffices here to highlight the most noteworthy elements that inform the relation between liberal and non-liberal peoples, and the requirement of equal respect that Rawls posits. These are perhaps best captured by Jon Mandle's analysis of the required criteria for non-liberal peoples (2005). There are, he argues, four particular aspects of decent peoples that behoove liberal people to tolerate them and attend to them reciprocally, as equals.

The first of these is the basic requirement that they should be peaceable and non-aggressive. As such they show themselves to be capable of adhering to the Law of Peoples and respectful of the general long-term goal of a peace-loving Society of Peoples. They issue no threat and they are capable of holding to the principles of the law. The second is that they should respect a basic package of human rights that is the subject of an overlapping consensus between the members of the Society of Peoples. As these rights emerge from an agreement between a number of different political orders, it is natural that they should not constitute the same package of individual rights representative of a liberal conception. As such, they are less expansive with regard to certain social and economic rights, and perhaps most significantly, the right to vote is excluded. Given the contemporary definition of democracy, that as Lazarus argues is typified by the concept of polyarchy, this exclusion is tantamount to saying that there is no fundamental human right to democracy, which is a claim of some significance.

A third criterion of such a society is that they should hold to a common good idea of justice, in the sense that there will be a notion of the good that protects the interests of every individual in the society, which directly informs the dominant idea of justice. Cosmopolitan thinkers are of a view that full toleration ought not to be extended to those political orders that do not respect their same values, in particular with regard to the freedoms and rights of the individual. Rawls, however, conceives of certain societies that must be regarded as collective moral agents, worthy of respect, because of the particular way in which the interests of all individuals are incorporated into the political order – even though not all may have the right to ballot.

This is connected directly with the fourth criterion Mandle identifies, namely the existence of a legitimate legal order that issues bona fide duties in the spirit of this common good. Such a legal system will have the requisite level of legitimacy because of the fact that they will take into account the good of each citizen. In this regard they must ensure freedom of conscience, and most importantly, *there must be appropriate channels for the individual to attempt to change and challenge the overriding conception of the common good*. Such channels ensure that despite the limited franchise, all individuals have the means to press their cause and there are mechanisms in place for reforming political structures. A minimal representation

allows an opportunity for different voices to be heard [...] persons as members of associations, corporations, and estates have the right at some point to the procedure of consultation [...] to express political dissent, and the government [...] has an obligation to take a group's dissent seriously. (Rawls 1999, 72)

In recognising the possibility of political orders other than democracy that might be considered legitimate, neither is it necessarily the case that they should be viewed as systems that are democracies-in-waiting, which are on the developmental path towards the superior political form. Proper toleration of these societies takes seriously the possibility that their systems are acceptable *in perpetuity* – and that from the perspective of certain cultures the individualism at the heart of polyarchy is mistaken, as persons should first and foremost be regarded as members of a group. The justification for such a perspective might claim that,

in a liberal society, where each citizen has one vote, citizens' interests tend to shrink and centre on their private economic concerns to the detriment of the bonds of community, in a consultation hierarchy, when their group is so represented, the voting members of the various groups take into account the broader interests of political life. (Rawls 1999, 73)

There are some further, important features of these types of societies that compel us to take seriously their claims to reciprocity. As noted above, freedom of conscience is vital where the common idea of the good might well be linked to the ultimate authority of a state religion, and this would have to extend to a guarantee that other religions will not be denied the social conditions allowing their practice, or that that they should live in fear of recrimination. Last of all is the key right to exit. Indeed, Rawls claims that any decent and reasonable people should in fact “provide assistance for the right of emigration” (Rawls 1999, 74). Taken together, these different elements constitute in Rawls' mind a political order that must be tolerated and respected from a liberal point of view. To deny reciprocity to peoples that are peace-loving, well-ordered, with a body of law tied to a common good that allows genuine space for political debate and dissent, is to descend into a liberal perspective that undermines the tradition of toleration that is so fundamental to its cause.

With respect to liberal foreign policy, it is the ideal of decency rather than the principle of democracy that represents the baseline in terms of our guiding values for our relations

with others. As such, this moves us away from a more far-reaching cosmopolitan attitude that posits democracy as the necessary end for all political orders and a normative goal that encourages a more interventionist liberal foreign policy. In crude terms, we might say that whereas the views of a cosmopolitan thinkers such as Buchanan and Tan have echoes of the Kant that comes to us via the likes of Tesón and Desch, Rawls provides a view on foreign policy more aligned with the Kant that is brought to us via Bernstein, Wilkins and even Mehrrens. In the next section we consider the more practical consequences of such an approach; the main implication is that many non-liberal societies considered to be appropriate targets for democracy promotion on the current pervasive principle of democratic rule are instead to be tolerated and left to their own devices. As will become evident, this normative perspective also ties in with certain security concerns.

Security

a) Democracy Promotion: The Case of Decent Peoples

Evidently, Rawls' international theory forces us to consider the case that tolerating non-liberal societies should be viewed not simply as a prudential decision within a pluralist and unstable world order. Rather than taking a circumspect approach in a manner befitting a fragile *modus vivendi*, he makes the case that we should treat these societies on the basis of equality and reciprocity on fundamental moral grounds. Their way of life may seem alien to our political culture, but the fact that they represent collective moral agents that respect certain individual rights, and provide opportunities for political representations, requires good liberals to allow them to pursue their common good without interference. To use a Rawlsian domestic analogy: in the same way that we would not deign to interfere in the lives of other reasonable and rational individuals in our own society – nor seek to correct their conceptions of the good life – neither should we look to interfere in the political arrangements of other reasonable, well-ordered peoples, who demand our respect and toleration (an argument that brings to mind Kant's own emphasis on the significance of the state's moral personality). To return to the golden rule, if we expect them to refrain from interfering with our political order, we should do likewise.

Set out in even this schematic way, we can see that the position Rawls sketches has far-reaching and radical implications for the foreign policy of liberal peoples vis-a-vis their non-liberal neighbours. For even if it is the case that elements of democracy promotion might be carried out in ways that do not threaten the *modus vivendi*, there remains the moral injunction that this would be the wrong course of action. Given that Rawls' own preference is for a liberal conception of justice that is radically egalitarian (as expressed through his two principles of justice elucidated in *Theory*), it may at first seem slightly odd that he should acknowledge this moral ideal to the letter. One suspects there might be room for a certain amount of activity that ultimately aspires to more individual freedoms and resources in non-liberal societies – 'soft' democracy promotion, as it were.

This in my view would be to read him incorrectly, however, and to underestimate the emphasis he places on the value of toleration and the importance of the integrity of indigenous political structures. If decent peoples have established a political system through the use of their own reason, to condemn it by attempting to alter it and undermine it is to violate the principles of toleration and mutual respect. This would be to presume in an unreflective manner that liberal democracy is the only reasonable form of government, and leaves us open to “error, miscalculation, and also arrogance” (Rawls 1999, 83). In short, if it were perceived to be a requirement that all societies should become, and therefore be encouraged to be liberal,

then the idea of political liberalism would fail to express due toleration for other acceptable ways [...] of ordering society [...] we say that, provided a nonliberal society’s basic institutions meet certain specified conditions of political right and justice and lead its people to honor a reasonable and just law for the Society of Peoples, a liberal people is to tolerate and accept that society. (Rawls 1999, 59-60)

Toleration and acceptance of these societies means exactly that in Rawls’ mind, to the extent that he rules out any attempt to provide incentives to liberalize. David Reidy draws out the argumentation implicit in this perspective (2013). He suggests two strands to Rawls’ argument – which chime with Kant’s arguments for non-intervention – one grounded in respect for peoples and the other respect for persons. With regard to the latter, it is suggested that attempts to press decent societies to change fails to show the requisite respect for its leaders and members as reasonable and rational beings with the ability to make free decisions; after all, if the society in question meets the necessary criteria then there will be structures in place that allow them to express their views and champion reform. With respect to the former, then such attempts on behalf of liberal peoples undermine both the relationship of reciprocity and the status of a decent people as a collective moral agent. As with individuals in a liberal society, it is not for some group or other to presume that they have recognized the truth and to force others to be free. Reidy makes the astute point that liberal powers have their own history of struggle, revolution and reform – emerging from systems of a different kind. Assuming that other societies are unable to change in a similar way is ethically dubious, not to mention to presume a great deal. One might also suggest here that Reidy is here invoking the gradualism associated with Kant with respect to societal change on a domestic level.⁸

In addition to the moral arguments against democracy promotion – even in the form of incentives – there is a strong prudential element to Rawls’ views on the relationship between liberal and non-liberal peoples, which has two strands and can be broadly related to long term security concerns. The first of these points to an ambiguity in Rawls’ position where despite advocating strict non-interference and arguing for mutual respect for decent peoples in perpetuity, there is a sense in which he suggests a tolerant, non-invasive foreign policy on behalf of liberal peoples is more likely to achieve the long-term goal of

[8] For a recent, contextualized and nuanced discussion of Kant’s views on revolution see Maliks (2022).

promoting democracy than any attempts to influence or intervene. Any attempts in this direction are more likely, in his view, to provoke hostility towards liberal peoples (Rawls 1999, 85) rather than encourage co-operation, whilst allowing decent peoples to develop by their own lights is likely to foster reform in a far more efficient and stable manner. Two quotes capture Rawls' sensibilities in this regard:

Liberal peoples should not suppose that decent societies are unable to reform themselves in their own way. By recognizing these societies as *bona fide* members of the Society of Peoples, liberal peoples encourage this change. They do not in any case stifle such change, as withholding respect from decent peoples might well do. (Rawls 1999, 61)

Moreover,

if a liberal constitutional democracy is, in fact superior to other forms of society, as I believe it to be, a liberal people should have confidence in their convictions and suppose that a decent society, when offered due respect by liberal peoples, may be more likely, over time, to recognize the advantages of liberal institutions and take steps toward becoming more liberal on its own. (Rawls 1999, 62)

This latter passage is telling not only in Rawls' view that it is the power of example, rather than the example of power that will best ensure a development towards a Society of Liberal Peoples. It also reveals him at his most cosmopolitan, in the sense that he attests to his own preference for liberal democracy and discloses his desire to see this form of government ultimately prevail. In this way his personal aspirations are identical to avowedly cosmopolitan thinkers, but in a very important sense his principles and his pragmatism see him put a greater emphasis on the respect for the integrity of collective moral agents in the international realm. Here is the nub, of course, of Rawls' political liberal position in the international context – a preference for one particular political order must be married with the principled toleration of other reasonable forms of government, and an acknowledgement that there is no monopoly on the truth in these matters.

The second strand to his pragmatism relates to the overriding aim of peace and security, as referred to in the opening section. Democracy promotion runs the risk of creating conflict between liberal and non-liberal peoples, because of the flagrant way in which it tends to undermine the autonomy and values of decent peoples – and the legitimacy of its own principles. Such incidents are deleterious to the goal of a peaceful Society of Peoples that is stable for the right reason (i.e. an atmosphere of mutual respect rather than the fragile balance of powers inherent in a *modus vivendi*). Indeed it transforms the nature of the Society of Peoples from a community of mutual interests to a thinly-veiled game of power politics where one group of peoples feels put upon by the majority. Rawls for one does not believe that because the internal structure of decent societies does not reflect the liberal conception of justice, the broader aims and hopes of the Society of Peoples should be sacrificed. If their common good idea of justice can be tolerated then this is far more conducive to everyone's common aims (and if we desire long-term

democratization this is more likely to come about without active democracy promotion). Order and justice go hand in hand, but where perceived injustices – *within a certain range* – can be tolerated, order should not be compromised:

Some may feel that permitting [...] injustice and not insisting on liberal principles for all societies requires strong reasons. I believe there are such reasons. Most important is maintaining mutual respect among peoples. Lapsing into contempt on the one side and bitterness and resentment on the other, can only cause damage [...] maintaining mutual respect among peoples in the Society of Peoples constitutes an essential part of the basic structure and political climate of that society. The Law of Peoples considers this wider background basic structure and the merits of its political climate in encouraging reforms in a liberal direction as over-riding the lack of liberal justice in decent societies. (Rawls 1999, 62)

With respect to two of the three key tenets of democracy promotion, as identified by Lazarus, Rawls presents us with a telling liberal alternative. He disagrees fundamentally with the project on the basis of principle, ruling out the notion of the potentially aggressive, interventionist application of a right to democracy. Any moral arguments in support of the project are spurious. With regard to the second tenet of security, he warns us against democracy promotion on pragmatic grounds, even those softer elements pertaining to incentivizing reform. Attempting to foist liberal principles on non-liberal, reasonable peoples even indirectly is only likely to create instability and bad blood.

b) Democracy Promotion: The Case of Outlaw States

Rawls' moral and pragmatic stance clearly presents us with a critical view of democracy promotion, and goes so far as to question it even its 'softest' form, in a manner reminiscent of Wilkins' characterisation of Kant's position. Encouraging reform through diplomatic persuasion or incentives is dismissed in the case of decent peoples. This would seem to preclude the notion that it could be legitimate and morally expedient in its most aggressive form – namely the gun-barrel democracy promotion associated with the Iraq War. Here we move further onto the territory of the second tenet of security, and how a Rawlsian approach might dictate a different approach to outlaw states – both those that are aggressive and those that carry out egregious harms to their own population. It will be argued here that Rawls regards only defensive wars as in any sense just, and that armed intervention in outlaw states can be justified only in terms of human rights violations and a strong prudential element, namely the likelihood of peace – and not in the name of 'just' war and regime change.

With respect to the idea of regime change, and the legitimacy that the narrative of democracy promotion lent the Iraq War (a just war in Bush and Blair's terms), a Rawlsian approach would rail against such practices. Bernstein (2006) has previously argued that Rawls' philosophy does not condone intervention in undemocratic societies in order to secure regime change to a democratic order. Decent societies represent legitimate forms of political rule worthy of equal respect, whilst the basic protection of human rights

provided by *Benevolent Absolutisms* precludes the idea that they might be subjected to war. Bernstein does, however, draw attention to the possibility that a Rawlsian approach justifies humanitarian warfare, and that if a country's government "has been violating basic human rights to such an extent there is sufficient moral reason to depose it" (Bernstein 2006, 293). However, she is at pains to argue that even if this action entails the need for post-war assistance the establishment of a democratic regime *cannot be used as a justifying factor for war*. Intervening to halt abuse is very different to intervening to establish a new regime. For one thing, given that democracy is not projected as the elevated ideal to be aspired to, it cannot be used as a regulative principle for conducting international relations, most especially aggressive warfare. It might be suggested that similar post-war assistance is legitimate where it is compatible with the history, traditions and explicit desires of the society in question whilst ensuring decent institutions; once more, however, it would not be this principle that would be the justification for action.

To understand better how Rawls deals with this issue of justifying the use of humanitarian warfare, and how it stands in contrast to a heavily moralized narrative advocating regime change, we need to consider further his understanding of war. Predictably, this understanding is enmeshed within his broader commitments to a cautious, morally informed perspective on international affairs. In this regard, we should once again understand Rawls' view of war by returning to the broadly Kantian commitments of his international theory.

These commitments to his interpretation of Kant mean that his view of war is always couched in terms of the long term goal of peace; in this sense Rawls sees in Kant one very important ideal in relation to war, which Arthur Ripstein also emphasizes in his interpretation of Kant: that the idea of peace is the regulative principle of war (2016). Somewhat surprisingly, given Kant's rejection of Just War in *Towards Perpetual Peace*, which is the touchstone for Rawls' approach, *The Law of Peoples* does in fact posit a version of the doctrine.⁹ However, he presents these principles as transitional, for the non-ideal present, seeking to regulate war in such a way that it will always be conducted with long-term peace in mind. Rawls essentially advocates a certain sceptical, "contingent pacifism" (Moellendorf 2014, 331) with a presumption against war and strict injunctions on Statesman to pronounce and conduct warfare with the utmost caution. For Rawls, as with Kant, war is inherently unjust and is a great evil to be overcome – and it may only be conducted with the long term goal of peace in mind.

This general reluctance to advocate war extends to Rawls' view of humanitarian warfare, and it is especially indicative that he does not advocate a systematic inclusion of the act within his just war doctrine. Rawls allows for only one qualification of the right to war in self-defense that, as specified in the footnote, is "the right to help to defend one's allies" (Rawls 1999, 91 n2). Therefore although he is clear in his view that liberal and

9] Were Rawls to indicate some sympathy or interest in the view of war expressed in *The Doctrine of Right* this would be less of surprising move.

decent peoples have every right to wage a just defensive war against aggressive outlaw states, there is no clear or unambiguous endorsement of the idea of humanitarian warfare (against outlaw states that commit acts of violence against their own population) as belonging to the just war doctrine. There is a reticence on Rawls' part to treat such states in a systematic manner and there may be a very good reason for this: such an approach could entail laying down the type of explicit moral injunctions that are inappropriate for such cases, where human rights and the norm of non-intervention clash, where lines are blurred and what is properly just and unjust is difficult to decipher, and where clear outcomes are very difficult to predict. Rawls here makes a telling admission: these cases call "for political wisdom, and success depends in part on luck. These are not matters to which political philosophy has much to add" (Rawls 1999, 93).

It is his opinion that for the main goal to be realized – of bringing all societies eventually to honor the Law of Peoples – the Society of Peoples needs to steer clear of violent adventurism grounded in an aggressive liberalism. Rather it will need to establish "institutions and practices [...] for their common opinion and policy toward non-well-ordered regimes" (Rawls 1999, 93) that will enact a number of non-violent measures. Such institutions will seek to apply diplomatic pressure on outlaw states and other more invasive forms of intervention, such as denying them any involvement in mutually beneficial practices, establishing economic sanctions and denying assistance. Admittedly, there may come a time, when the human rights offences are egregious and there is no response to sanctions, and it is in such cases that Rawls sees armed intervention as an action that may be *acceptable* where a peaceful outcome is likely – but no such action can ever be labelled as just (Rawls 1999, 94n6).

Rawls, therefore, does not on my reading incorporate humanitarian intervention as one of the principles of his just war, and as such he militates against the regular use of humanitarian warfare. It is to be deployed only in those worst of cases where human rights abuses are rife and the long-term aim of peace can be confidently secured. The act of war will always be subsumed under the regulative principle of peace and so violence is only justifiable and undertaken in terms of the long-term aim of a stable peace. Whilst in some sense defensive war against outlaw states is right and moral for Rawls (although never fully just), humanitarian war cannot be justified in these terms, and only with respect to the hope for peace – and attendantly, with respect to an outcome that increases collective security.

Taken as a whole, therefore, we can see that Rawls' rejection of the universal case for democracy, and his more general caution with regard to war, leads to a very different mentality to the kind that we have witnessed being attached to the project of democracy promotion. The notion of decency precludes any form of intervention with non-liberal peoples that aspires to bring about democratic reform, not only because their norms, practices and structures entail a moral demand of reciprocity, but also because it endangers international security. This cautious approach to security is reflected with respect to humanitarian warfare, because for Rawls neither decency nor democracy can

be used as an ideal to justify regime change. Moreover, the possibility of humanitarian intervention is positioned within a complex and nuanced set of considerations where post-conflict actions are to be weighed up, never as a justification for intervention but only in terms of the likelihood of securing peace. Humanitarian intervention cannot be couched in terms of a just war, and it is only justifiable where the rights' violations are egregious and the promise of a stable peace is realistic. It is regulated not by the idea of promoting or establishing democratic or even decent regimes, rather by the "negative" principles of rights protection and the positive prospects of peace.

Development: Democracy Promotion and The Case of Burdened Societies

The third tenet that justifies democracy promotion is the notion that democratization fosters development. In the words of USAID "democracy, good governance, and development reinforce each other to create a virtuous circle" (USAID 2005, 5). It is in the case of this agenda, that is carried out by both governments and charity with great fanfare, that democracy promotion might be regarded at its most ubiquitous and most acceptable. Where countries are regarded as neither possessing the requisite capability to reject and resist the assistance of others, nor as volatile or aggressive enough to raise questions about the wisdom of involvement, there is prevailing acceptance that proffering aid for democratic reform is an unquestionable moral imperative (save for those such as Dambisa Moyo who rail against the dependency culture it can create (2010)). As noted previously both the moral and practical arguments supporting the attendant democratization agenda are put forward most forcefully and eloquently by Sen (1999), and within the industry it seems fair to suggest that it is regarded as a truism that development means democratization. Even the criticisms from critical scholars such as Lazarus focus on the empirical evidence that undermines these claims – with a view to challenging the *type* of democracy that is promoted. The ultimate aim remains 'getting to Denmark'.

In this sense, a Rawlsian perspective provides a notable, dissenting voice, in as much as he questions the moral grounds for promoting democracy amongst weak and failing states. Instead of the ideal of democracy, we have instead the normative concept of decency setting the benchmark for development assistance, one that is more capacious and tolerant of different forms of government and political justice – allowing greater scope in theory for encouraging reform in keeping with existing practices and structures. The end point, or goal of assistance is not a particular level of democratic or economic development, but rather an "international minimum" (Williams 2011, 107-10), represented by a state of institutional robustness that means a society ensures worthwhile lives for their citizens.

Setting out his perspective in full requires a brief treatment of the duty of assistance he envisages, which compels the members of the Society of Peoples to aid those burdened societies on the periphery. I want to suggest that in terms of a general vision of

development, Rawls offers us a different liberal discourse to democracy promotion that opens up alternative possibilities for the manner in which liberal peoples pursue their policies vis-a-vis burdened societies. This includes the seemingly common-sensical but potentially radical insight that they might be assisted to become a decent society, rather than a democratic one. At its heart is a desire to avoid the trap of dealing with such states in a paternalist manner, a strong Kantian sentiment that aims at practical policies that treat them in accordance with the ultimate goal – namely a full moral personality and the capacity to protect their citizens.

In Rawls' taxonomy, burdened societies can be understood in more common parlance as weak or failing states. They are described in general terms as being peaceable, but "lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered" (Rawls 1999, 106). This does not exclude the possibility, however, that some burdened societies will have fallen from grace for any number of reasons – such as natural or financial disaster – having once been well-ordered. A failure to be well-ordered amounts to a lack of underlying decent or just structures that can ensure the basic rights for its citizens, and which promote a "worthwhile life" (Rawls 1999, 107) for its citizens. Because of these basic institutional failings, they are unable to sustain the status of a collective moral entity, as the claims of all are not administered to, and in all likelihood many will be unable to contribute to the common good and political life due to any number of impediments ("traditions, the human capital and know-how and often the material and technological resources" (Rawls 1999, 106)). As a consequence, they take up a marginal role in the international realm, and in a significant and similar way to Outlaw States and Benevolent Absolutisms, they do not enjoy the same status as their well-ordered neighbours. This is reflected in the fact that Rawls excludes them from the initial contract stage; however we should bear in mind that Rawls' ideal types function as normative concepts that can be applied critically. In this case we might judge the vast majority of liberal peoples to be burdened societies in the sense that they allow some of their citizens to live (and indeed die) homeless, or exercise policies that often precipitate deeper, unnecessary suffering – especially amongst certain minority populations.

The peripheral status of burdened societies has led to some criticism of Rawls, in particular because it might be seen to undermine the strength of a duty of assistance. If burdened societies are not regarded as fellow contractors, it would seem to suggest that the duty to them will inevitably be humanitarian, rather than being rendered an enforceable duty of justice. There are two ways around this claim however, that can both be traced back to Rawls' *Theory of Justice*. The cosmopolitan route is to claim that a natural duty of justice pertains with regard to ensuring institutions exist to serve the individual. It may be that burdened societies cannot make a claim on well-ordered societies, but the individuals within them can. The other, statist route, is to conceive of these societies as potential moral agents within the Society of Peoples, whose interests must therefore be represented by others within the original position. In this sense their claims are given

equal status and are to be considered claims of justice as future members of that society (and given that all contractors are themselves potential future burdened societies, then the cleavage between those who form the contract and those who do not is less pronounced).

Despite the initial imbalance at the contracting stage, as I have argued elsewhere (Williams 2011, 86-9), Rawls favours a perspective that endows burdened societies with equal status in a practical sense. This sense is embodied in a duty of assistance which, after all, appears as one of the eight “Constitutional Essentials” in the *Law of Peoples*. This aspect of equal status is most evident in terms of the spirit in which the duty – one of transition that aims at political autonomy – is to be administered: “the well-ordered societies giving assistance must not act paternalistically, but in measured ways that do not conflict with the final aim of assistance: freedom and equality for the formerly burdened societies” (Rawls 1999, 111). Therefore, even if one is to ask fundamental questions of Rawls’ philosophical argument regarding these societies, the practical injunction is that they should, at the very least, be treated in the spirit of equality. As with decent peoples, “the foreign policy of liberal peoples should recognize that good [self-determination] and not take on the appearance of being coercive” (Rawls 1999, 85). This is of no small consequence, not only in terms of the type of economic policies that those granting assistance pursue, but more crucially in terms of the aims that are laid out for the development of political structures in these societies; the suggestion here is that in the case of burdened societies that do not have democratic structures then there is no compulsion to undergo such reform, whilst those that do exhibit such structures should be given a free hand to develop their own model of democracy.

Before returning to these major implications in terms of political reform, it is necessary to make some passing remarks on what might be broadly termed the ‘economic’ policies that are envisaged as part of this duty. This is in part because there has been a pronounced tendency to dismiss Rawls’ ideas on the grounds that they offer little substantive in terms of support for burdened societies (Pogge 2001, 250). In one sense this is inevitable because his work is, in an important sense, a response to cosmopolitan theories, and he is particularly sceptical about the practical significant and moral grounds they ascribe to the redistribution of wealth. He rejects the idea of an ongoing global distributive principle akin to his famous difference principle, favouring instead a duty with a “cutoff point” (Rawls 1999, 119). This cutoff point is all-important to understanding the broader perspective Rawls has on assistance, because rather than it being represented by a certain level of wealth or economic development, this international minimum is representative instead of a certain level of decency and well-orderedness with regard to the basic institutions. In other words, once a society reaches the point where their institutions can protect the basic rights, there is no further need for assistance – in whatever form that may pertain. His critics have interpreted Rawls as disallowing any form of financial aid, but a more measured interpretation shows that it

includes both measures to balance the global background structure fairly (Rawls 1999, 115) and the redistribution of resources (Rawls 1999, 119).

What he is most at pains to assert is that development and assistance should not be measured in economic terms, and that there is no fundamental link between money and creating a well-ordered society: "Great wealth is not necessary to establish just (or decent) institutions" (Rawls 1999, 107). Not all burdened societies are poor "any more than well-ordered societies are wealthy" (Rawls 1999, 106), and how much financial aid is needed "will depend on a society's particular history as well as on its conception of justice" (Rawls 1999, 107). This suggests an outlook on assistance that rejects a one-size-fits-all model akin to the Washington Consensus, which foregrounds economic development as a panacea. Rather a Rawlsian approach would be far more catholic and open-ended, being client-led in the sense that it looks to the particular conditions and aspirations of the society in question, whilst being able to call on a raft of different measures under the rubric of the duty of assistance – whether they be geo-economic policies, financial assistance, the transfer of expertise, resources, or technological know-how (Williams 2011, 140-52).

Most importantly with regard to the contrast with the traditional democracy promotion agenda, this open-ended approach extends beyond the economic realm and provides the grounds for what is perhaps the single most important contribution of a Rawlsian perspective to the debate. For underlying the entire edifice of the duty of assistance is the presumption that the ideal of a decent society is as legitimate a goal as the ideal of a democratic society. It is thus shot through with the principle of toleration and equal respect afforded to non-liberal peoples, and as such the bilateral relationship suggested by Rawls between donor and recipient entails not only the possibility of differing economic goals and policies, but more fundamentally, the construction of a political order that not only rejects polyarchy, but rather any form of democratic government. And radical though this may seem, beginning as we do with the groundwork of Rawls' political liberalism, we are confronted with the moral argument and practical possibility that 'good liberals' should accept the possibility that in many cases we should be seeking to promote not democratic, but reasonable, peaceable, decent well-ordered societies that are congruent with the particular traditions and values of non-liberal societies. Allied with the less than persuasive evidence alluded to by Lazarus regarding democracy's benefits for development, here we have a normative perspective that questions democracy itself as the appropriate end for development.

III. CONCLUSION

In this article I have addressed the legitimacy crisis of democracy promotion, as described by Lazarus, through the Kantian theory of John Rawls. The democracy promotion paradigm was presented as an outgrowth of a particular set of ideas and policy aspirations that typified the ambition and optimism of the 1990s and the promised

'End of History'. The prevalence of Kant as a key philosophical figure in legitimizing this agenda was recognized first in explicating the derivation of the ideas, and then in pointing us towards an alternative narrative. Indeed, it was suggested that a different interpretation of Kant, more dove than hawk-like, provides the philosophical grounds for a rejection of democracy promotion in the international theory of John Rawls, which functions as a contemporary interpretation of *Towards Perpetual Peace*.

The bulk of the paper therefore articulated a different liberal narrative for guiding foreign policy, grounded in Rawls' particular form of Kantianism, arguing that he presents a powerful and novel normative perspective that liberal governments should consider adopting. Central to this narrative is the importance of Kantian gradualism and liberal tolerance in the international sphere, and the moral injunction that we must respect and treat as equals those societies defined by decent political structures. Whilst Rawls deals in ideal types, the moral argument he articulates is a fundamental challenge to the more aggressive liberalism reflected in the democracy promotion narrative, leading us to consider that there may be many non-liberal societies that should be approached in a way that puts to one side the tendency to try and influence and democratize.

With respect to the three key tenets of democracy promotion, this moral argument constitutes a robust challenge to the first tenet, which is the **principle** of democracy itself. Other political conceptions of justice are potentially tolerable and worthy of equal respect from the liberal perspective. The second tenet of **security** can also arguably be furthered by a Rawlsian approach, in particular because of its circumspect and humble approach to foreign relations. In the first instance, refraining from attempting to influence others shows them greater respect and encourages mutual understanding, whilst in Rawls' eyes it allows democratic reforms to occur in the most robust and sustainable manner – from within. In the context of dealing with outlaw states, we find a doctrine of Just War that is enmeshed within Kantian commitments, which regards worldwide peace as a feasible ambition. With respect to humanitarian intervention, we should not consider this to be an extension of just war; rather it is the unfortunate and unjust resolution of egregious crimes against humanity. Regime change can never justify intervention, only the violation of rights and the genuine prospect of a better peace.

Lastly, with respect to the third key tenet of development, we discover in this alternative Kantian narrative the moral basis for a very different approach, which eschews democracy promotion as an aim. Rather, we are focused on securing assistance that respects the other as an equal, allowing them the opportunity to develop political structures in keeping with their traditions and practices, whether they are democratic or decent. I submit that were this alternative Kantian narrative adopted by states and international institutions alike, we would be working on the basis of a very different approach to the international realm, one that would potentially be better characterized by principle, security and gradual progress.

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